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**ALSO PRESENT:**

Matt Stone  
Scott Fryer  
Ron Beaton  
Eric Lardiere

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<b>NUMBER</b>	<b>DESCRIPTION</b>	<b>FOR</b>	<b>FOR</b>
		<b>IDENTIFICATION</b>	<b>EVIDENCE</b>
		<b>PG.</b>	<b>PG.</b>

(None.)

1                   **WEDNESDAY, NOVEMBER 17, 2021; 9:57 A.M.**

2                   **LOS ANGELES, CALIFORNIA**

3                   **-oOo-**

4  
5                   (The following proceedings were held in open  
6                   court in the presence of the prospective jury:)

7                   THE CLERK: Calling Item No. 1, Case No.  
8                   CV 18-06825-SB, Santa Clarita Valley Water Agency versus  
9                   Whittaker Corporation, et al.

09:57AM 10                   Counsel, would you please state your appearances,  
11                   starting with plaintiff's counsel first.

12                   MR. RICHARD: Good morning, Your Honor.  
13                   Patrick Richard for plaintiff. And with me today is  
14                   Fred Fudacz, Ilse Scott, and Byron Gee.

09:57AM 15                   THE COURT: The defense, please?

16                   MR. BLUM: Good morning, Your Honor. Fred Blum  
17                   for Whittaker Corporation. And with me is Ron Beaton, our  
18                   client Eric Lardiere, Michael Gallagher, and Daniel Trowbridge.  
19                   And I'm sorry, I almost forgot Scott Fryer.

09:58AM 20                   THE COURT: Good morning, everyone. And good  
21                   morning, ladies and gentlemen. Welcome to the federal  
22                   courthouse.

23                   You are in a courtroom now that is called the  
24                   ceremonial courtroom, and this is a larger courtroom where we  
09:58AM 25                   are going to be doing jury selection in this matter today. But

1 after the jury is selected, the actual jury itself and the  
2 trial is going to actually occur upstairs in my normal  
3 courtroom, which is Courtroom 6C. Just so that you all know,  
4 today you will be here for most of the day. For those of you  
09:58AM 5 who are actually selected, there will be a portion of today  
6 where you will be directed to go to Courtroom 6C.

7               You have been summoned in this case for jury  
8 selection in a case called Santa Clarita Valley Water Agency  
9 versus Whittaker Corporation, and this is a civil case. And  
09:59AM 10 you have been introduced very quickly to the lawyers who are  
11 involved in this case. And what you will see is that the  
12 plaintiff is the Santa Clarita Valley Water Agency, and the  
13 plaintiff is always next to -- the table is next to where the  
14 jury box is. So if you are wondering which side is which, the  
09:59AM 15 plaintiff is near the jury box and then the defense is on the  
16 other side. And that will be true as well in my courtroom  
17 upstairs.

18               I'm going to provide you with some further  
19 introductions in a little bit. But at this point, the most  
09:59AM 20 important part of jury selection is upon us, and that is the  
21 administration of the oath. And it is sufficiently important  
22 that I do draw it to your attention specially by quoting the  
23 language of the oath that you're going to take in just a moment  
24 and ask that you carefully listen to the words and make sure  
10:00AM 25 that you understand them because this is what is going to be

1 expected of you.

2 So with that, if you would kindly stand, raise  
3 your right hand, face my courtroom deputy, Mr. Cruz, so he can  
4 administer the oath.

10:00AM

5 THE CLERK: Ladies and gentlemen, do you each  
6 solemnly swear that you will make true answers to such  
7 questions as may be put to you touching upon your  
8 qualifications to serve as jurors in the cause now pending  
9 before this Court, so help you God?

10:00AM

10 (Prospective jurors respond in the affirmative.)

11 THE CLERK: Thank you, ladies and gentlemen. You  
12 may be seated.

13 THE COURT: And the record will reflect a  
14 collective "I do," meaning every one of you has agreed and will  
15 be bound by this oath.

10:00AM

16 And I do want to take a moment or two to explain  
17 to you the significance of the oath. Let me just, before I get  
18 into it, tell you the reason that I do this -- and I do this in  
19 every case -- is that I'm aware that there are people who think  
20 that jury service ultimately is a matter of choice and, if you  
21 decide that you really don't want to be on a case, that you  
22 have that ability to get off by providing information that you  
23 think is designed to get you off. And I know that there is  
24 actually websites that are devoted to this subject matter.

10:01AM

10:01AM

25 Also, it does happen where people want to get

1 onto a particular jury for whatever reason, and they tailor  
2 their responses in order to get onto a jury or so they think.  
3 I'm here to tell you that, providing false or misleading  
4 information to the Court -- and I will tell you, it's usually  
10:01AM 5 quite obvious when it happens. But if you provide to the Court  
6 any false or misleading information for whatever your reason,  
7 whether it's because you would like to be on this case, you  
8 would not like to be on this case, or you have some other  
9 reason, that is a violation of your oath and it is a serious  
10:02AM 10 matter that I have an obligation to follow up on.

11 If I think that is happening, I will have to take  
12 certain action by following up, by asking you questions.  
13 Please forgive me in advance. If I'm mistaken, I'm mistaken.  
14 But I have to at least pursue if I do think that that is what's  
10:02AM 15 happening here.

16 Now, the goal of jury selection this morning --  
17 and I do expect that we will likely finish up, if not this  
18 morning, by early afternoon. But the goal of jury selection  
19 is, very simply, to seat what will be nine individuals who can  
10:02AM 20 preside over this case fairly and impartially, deciding the  
21 case only on the facts that are presented in the courtroom and  
22 the law as I instruct you.

23 And the way that we will do the jury selection  
24 process is fairly straightforward, and that is I'm going to ask  
10:03AM 25 you a number of questions throughout this process. Sometimes



1 it will be a group question. I will ask, "Does anyone" -- and  
2 fill in the blank. And if you have an affirmative or a "yes"  
3 response to a group question, you will raise your hand. Leave  
4 your hand raised until I'm able to identify you for the record,  
10:03AM 5 and then I will let you know if I'm following up at that moment  
6 or thereafter.

7 When I do ask you questions, however, just answer  
8 the questions honestly. Don't overthink it. Just answer the  
9 questions honestly, truthfully, to the best of your knowledge  
10:03AM 10 and ability. Do not provide to me answers that you think  
11 either I want to hear or that I don't want to hear.

12 Let me just spell that out a little bit as well.  
13 So in order to make this process as efficient as I can -- and I  
14 do value all of your time. So I'm going to try -- not only  
10:04AM 15 during jury selection, but I've worked with the lawyers to try  
16 to make sure that everyone is respectful of your time and that  
17 we're moving this case along as efficiently as reasonably  
18 possible.

19 So what may happen is, just to pick on you,  
10:04AM 20 Prospective Juror No. 6, I may be speaking with you and then  
21 all of a sudden I think I know where you're going with  
22 something. So I will be seeming to put words in your mouth by  
23 asking you what are called leading questions. That's only  
24 because I'm trying to move it along. And in this context, I  
10:04AM 25 think it's appropriate.

1 Here's the point. If I'm putting words in your  
2 mouth that don't belong there, don't just say "yes" because you  
3 think that's what I want to hear. Push back. You now know  
4 what the purpose of my leading questions are. It's not to  
10:04AM 5 direct you into a certain location.

6 So if it turns out that this is not the right  
7 case for you, that's fine. Not every case is the right case  
8 for everybody. There are other cases, both of civil and  
9 criminal type. And the Court will do its best, if I can, to  
10:05AM 10 get you onto another case.

11 I should pause for a moment and thank you at the  
12 outset for your patience. I know that there were a lot of  
13 people, because we've got a number of cases going on today,  
14 that were here and I know that there was a substantial delay in  
10:05AM 15 your even being able to get into the building. I know how  
16 frustrating that is, and I do apologize. I do appreciate your  
17 patience.

18 Now, let me just provide you with some rules,  
19 some of which are in the form of an order, and it's important  
10:05AM 20 that you comply with an order because, if you don't, that  
21 actually is a crime. It's called contempt if you do it  
22 purposefully.

23 And again, I tell you these things, ladies and  
24 gentlemen, not to frighten anyone, not to make this process  
10:05AM 25 more difficult than it needs to be. But in my experience, when

1 people understand the seriousness of something, they're much  
2 more likely to comply. Otherwise, people act in a loose  
3 fashion when they think rules and orders are loose and are  
4 going to be loosely applied.

10:06AM

5 So the first order is that you cannot communicate  
6 with anyone about the case. That means you cannot speak with  
7 your family, your friends, with the lawyers in this case, with  
8 any witnesses in any way, shape, or form, and that includes by  
9 text messaging, e-mails, social media, such as Facebook.

10:06AM

10 So let me again flush or spell this out for you  
11 to make sure you understand how strict this is. So let's say,  
12 No. 7, we're on a break and I told you before the break when to  
13 return and you forgot. And you see Mr. Richard or you see  
14 Mr. Blum outside and you say, What can it hurt? I'm just going  
15 to ask them what time it is that we're supposed to return.

10:06AM

16 That's a violation of this order.

17 And if you speak to anyone about the case, such  
18 as the lawyers -- the lawyers know that they cannot communicate  
19 with you, verbally or non-verbally. They can't look at you  
20 outside and try to smile at you and things of that sort because  
21 this process is such that you're supposed to be neutral and  
22 make a decision on the facts and the law, not based upon  
23 someone trying to curry favor with you. So they will turn  
24 away, look down, look away.

10:07AM

10:07AM

25 If that happens, don't hold it against them.

1 They're actually doing what they're required to do. Remember  
2 not to put them or anyone else in the position where you're  
3 communicating with someone and that's going to get reported to  
4 me and then I'm going to have to follow up.

10:07AM

5 Also, let's say you say, you know what, I just  
6 want to tell someone at work that I'm on a case and I'm a juror  
7 in a case. As I will explain to you, you can tell an employer  
8 or someone that you're on -- serving as a juror on a case, but  
9 you can't give them any more detail than essentially that.

10:08AM

10 Perhaps the expected length of the case will be fine. Beyond  
11 that, you can't speak to anyone about this case.

12 Also, you're not permitted to conduct any  
13 research or do any investigation with respect to the people,  
14 the places, the subject matter, or the law. And again, let me  
15 explain how strict this is.

10:08AM

16 So let's say you're accustomed to doing what I'm  
17 accustomed to doing -- and most of us are -- where we hear  
18 certain information and we decide that we want to learn about  
19 it. And so what do we do? We take out our phone or whatever  
20 and we look it up.

10:08AM

21 So let's say you want to say, Who is this lawyer?  
22 Who is this judge? I heard this reference to a chemical. What  
23 is that chemical? And you decide to look it up. That's a  
24 violation of this order. It's a very serious matter. And I  
25 will explain to you the significance of it in due course, but

10:08AM

1 you are not permitted to do that.

2 Also, there are a couple of reminders that I want  
3 to present to you. These are not orders. These are things  
4 that are going to make this process move more efficiently and  
10:09AM 5 quickly for everybody involved.

6 The first is you have all been provided with a  
7 badge by my courtroom deputy. And this is a number that goes  
8 from 1 to 40. I think we have 40 people in this panel. And I  
9 am going to be referring to you throughout this process by

10:09AM 10 reference to the number that you have been given by Mr. Cruz.  
11 I do that in every case -- civil case, criminal case. It's  
12 easier to make reference to people by numbers simply because  
13 trying to figure out names, saying your name correctly and the  
14 like is more difficult. It slows down the process, in my  
10:09AM 15 experience. And this also gives you a certain measure of  
16 additional privacy.

17 Please make sure that you have the number placed  
18 on an article of clothing that is sufficiently high up enough  
19 so everyone can see it.

10:10AM 20 So let me give you an example. No. 15, because  
21 you're in front of a bench, it's a little bit hard. So if you  
22 wouldn't mind just, like, moving it up, if you can, higher up  
23 on an article of clothing so this way when I can see you and  
24 the lawyers see you, we immediately can identify you.

10:10AM 25 Also, please make sure that you're on time. What

1 that means is you will be told when we take breaks when and  
2 where to return. Please make sure that you return when and  
3 where you're told. We can't start until everyone is present.  
4 So if you're late, we will all be waiting here.

10:10AM

5 So, No. 25, to pick on you for a moment, if we're  
6 all seated and waiting and you're not in the courtroom, we're  
7 all going to be seated here looking at the door and hoping that  
8 you're going to be coming in very quickly so that we can get  
9 going. So please make sure everyone is on time.

10:11AM

10 Also, no cell phones. What that means is, of  
11 course, you can keep your cell phones with you, but you have to  
12 turn them fully off. They cannot be a distraction, cannot be  
13 vibrating, cannot go off where they disrupt the proceedings.

10:11AM

14 Now, I told you I was going to provide some  
15 additional introductions and I'm going to do so now.

16 First of all, my name, again, is  
17 Stanley Blumenfeld, and I will be presiding over this trial.  
18 And I have my courtroom staff here with me.

10:11AM

19 First, I have Mr. Victor Cruz, who you have met.  
20 And he is responsible for the administration of the courtroom.  
21 So all things administrative, that's his responsibility, and he  
22 runs the administrative side of the courtroom.

10:11AM

23 Also present is Miranda Algorri who is our court  
24 reporter, and she will be sharing duty. So we will have two  
25 court reporters throughout this trial. And the second person

1 is Myra Ponce, who you will see at some point throughout this  
2 trial. Their job is very significant, and you need to assist  
3 them in doing their job or please try not to make their job  
4 harder. Here's what I mean.

10:12AM 5 She has to take -- Ms. Algorri has to take and so  
6 will Ms. Ponce an accurate record of everything that's going on  
7 in the courtroom. That is absolutely required to be done.  
8 Now, the only way that she can do her job is if she hears what  
9 is being stated because she can't take down what are called

10:12AM 10 nonverbal gestures.

11 What's a nonverbal gesture? So, No. 9, for  
12 example, if I asked you a question -- perfect, you're doing it  
13 just on cue. You're acknowledging that you understand. And  
14 she's nodding her head up and down. That's a nonverbal

10:12AM 15 gesture. So if I asked you, No. 9, do you understand what I'm  
16 saying?

17 PROSPECTIVE JUROR NO. 9: Yes.

18 THE COURT: Perfect.

19 So please make sure you do exactly what

10:13AM 20 Prospective Juror No. 9 did, which is not only did she respond  
21 verbally, but she responded loudly enough so that everyone  
22 could hear and my court reporter who is seated right next to me  
23 is able to hear.

24 Now, we have two parties in this case. This is a  
10:13AM 25 civil case, as I mentioned. There's a plaintiff, and there is

1 a defendant. And I told you the plaintiff and the lawyers sit  
2 on that side of the courtroom where I'm pointing to next to the  
3 jury box. The defendant sits on this side where I'm pointing  
4 to on the other side of the counsel table for the plaintiff.

10:13AM

5 The plaintiff in this case is the Santa Clarita  
6 Valley Water Agency. And I'm going to be referring to them and  
7 I expect the lawyers will throughout the trial as SCV Water or  
8 some abbreviation to make it easier. And they are being  
9 represented, that is, the plaintiff is being represented by

10:14AM

10 Mr. Richard, Ms. Scott, Mr. Gee, and Ms. McGuane. Ms. McGuane  
11 does not appear to be here at the moment.

12 But let me go and do this. Let me have you, once  
13 again, introduce yourself because, at least in my experience,  
14 if you're anything like me, I need to make contact with someone  
15 and try to get their -- get in my memory their face and their  
16 name. So let's start that process with you.

10:14AM

17 And for this purpose, what I will do is ask that  
18 each of you individually introduce yourself and show yourself  
19 and present yourself to the panel.

10:14AM

20 MR. RICHARD: Mask off okay, Your Honor?

21 THE COURT: Yes. When you are speaking, you can  
22 take your mask off. And for this purpose, it is appropriate.

23 MR. RICHARD: So I'm the fellow with two first  
24 names. Patrick Richard. Thank you for being here.

10:14AM

25 THE COURT: All right. Next, please.



1 MS. SCOTT: Good morning. My name is Ilse Scott.

2 MR. GEE: Good morning. My name is Byron Gee.

3 MR. FUDACZ: Good morning. My name is

4 Fred Fudacz. I don't anticipate being here for the duration of

10:15AM 5 the trial, but I have been involved in this matter for some

6 period of time. And from time to time I may show up in the

7 courtroom.

8 THE COURT: If you would please make sure you are

9 faced to the gallery portion.

10:15AM 10 MR. FUDACZ: If I'm in and out, you will

11 understand that, even though I'm not part of the day-to-day

12 trial team, I may be contributing, being in the courtroom.

13 THE COURT: Thank you, Mr. Fudacz. You may be

14 seated.

10:15AM 15 And let's go ahead and do the same, please,

16 starting with you, Mr. Blum, for the defense. And the defense,

17 the defendant is Whittaker Corporation.

18 MR. BLUM: Good morning, everybody. I'm the

19 other Fred, Fred Blum. And I represent Whittaker Corporation.

10:15AM 20 THE COURT: Next, please.

21 MR. GALLAGHER: Good morning, everyone. My name

22 is Michael Gallagher, also for the defense.

23 MR. TROWBRIDGE: Good morning, everybody. I'm

24 Daniel Trowbridge, also for Whittaker Corporation.

10:16AM 25 THE COURT: Let's go ahead and introduce everyone

1 who is at the table, please.

2 MR. LARDIERE: Good morning. My name is  
3 Eric Lardiere, and I'm the president of Whittaker Corporation.

4 MR. BEATON: Good morning. I'm Ron Beaton. I  
10:16AM 5 work with the trial team.

6 THE COURT: So first question that I'm going to  
7 ask -- and this is a group question -- is whether anyone knows  
8 anybody who's been introduced. So is there anyone on the panel  
9 who knows anybody who has been introduced? That includes  
10:16AM 10 myself, my staff, the lawyers, or the parties. Anybody who has  
11 been introduced. If so, let me know by raising your hand.

12 I see no hands raised.

13 Now, next question I have is whether you or a  
14 family member has ever worked for or done business with any of  
10:17AM 15 the parties in this case. And just to remind you who the  
16 parties are again -- and it's up there on the screen -- it's  
17 Santa Clarita Valley Water Agency, and the defendant is  
18 Whittaker Corporation.

19 So this question is asking something a little bit  
10:17AM 20 different. It's not only you but a family member. Have either  
21 you or a family member ever worked for or done business with  
22 either one of the parties, the Santa Clarita Valley Water  
23 Agency or Whittaker Corporation? If so, let me know by raising  
24 your hand.

10:17AM 25 I see no hands raised.

1 Another question. Have you or a family member  
2 ever lived in the Santa Clarita Valley? You or a close family  
3 member, not a distant cousin or something like that that you're  
4 not close with. Someone who you perceive as a family member to  
10:18AM 5 be a close family member. They live in your household or  
6 they're extended beyond that but they're particularly close to  
7 you.

8 I see no hands raised.

9 Now, I'm going to introduce you, in a manner of  
10:18AM 10 speaking, to witnesses who may testify in this case. And this  
11 is a list that may be overinclusive. And what I mean by that  
12 is not necessarily everyone on this list is going to testify at  
13 trial. But I'm giving you what is the potential witness list  
14 because at the end of my reading of this list, I'm going to ask  
10:18AM 15 you whether anyone knows any of these potential witnesses.

16 So it's a bit of a list, so be patient. I have  
17 it on the screen. The font is reasonably large but not  
18 terribly large. So if you can't see it, hopefully I'm  
19 pronouncing these names properly and you will at least hear  
10:19AM 20 what I'm saying.

21 Keith Abercrombie; Richard Hughto, H-u-g-h-t-o;  
22 Alan Sorsher; John Peloquin, P-e-l-o-q-u-i-n; Eric Lardiere,  
23 who you have been introduced to; Archie Simmons; Norman Wenck;  
24 Gary Hokkanen; James Jisa; Zoyd Luce; Steven or Steve Cole;  
10:19AM 25 Hassan Amini; Phyllis Stanin; Dan Masnada; Mark Trudell;

1 Bradley Peach; Issam Najm; Jeffrey O'Keefe; Jeffrey Zelikson;  
2 Michael Alvord; Anthony Daus; Gaynor Dawson. I know this is a  
3 common name. I've asked the lawyers to provide greater  
4 identification, if someone knows a Jose Diaz. Jose Diaz;  
10:20AM 5 Meredith Durant; Jeffrey Koelewyn, K-o-e-l-e-w-y-n; BJ Lechler;  
6 James Leserman; Steven Luis; Peter Mesard; Daniel Shoup;  
7 Timothy Simpson; Richard Slade; Duane Steffey; Matt Stone;  
8 Lynn Takaichi; Christopher Thompson.

9 Anyone know or believe they know anyone who may  
10:21AM 10 potentially be a witness in this case? If so, let me know by  
11 raising your hand.

12 Not even a Jose Diaz? All right. No hands are  
13 raised.

14 Incidentally, sometimes this happens, not  
10:21AM 15 frequently, but it does happen, where you're giving me  
16 honest -- an honest response and I have no reason to doubt  
17 that. But guess what happens? A witness takes the stand. And  
18 you know what? You know the person. When you heard the name,  
19 it didn't ring a bell. But then you saw the person on the  
10:22AM 20 witness stand, and you know that person.

21 Here's what you don't do. Keep silent. Also,  
22 don't panic.

23 Here's what you do. You let my courtroom deputy  
24 know that you know the person and you need to talk to me, and  
10:22AM 25 that's fine. You haven't done anything wrong. You're giving

1 me your honest responses, and you just didn't put the name to  
2 the person who you know.

3 Now, I'm going to tell you a little bit about  
4 this case. And it is really quite a little bit but just to  
5 give you some basic understanding of what the case is about.

6 And I'm going to ask you, after I describe the basic case  
7 statement here, if you know about this case prior to coming  
8 here. I have to ask that in every case. I have no reason to  
9 think that you do or that you don't have any knowledge about

10 this case. But it is quite important, if you do know anything  
11 about this case, that you let me know when I ask you in a  
12 moment.

13 So the plaintiff, as you know, is Santa Clarita  
14 Valley Water Agency, or SCV Water, which is the name we will be  
15 referring to it as. And it's a drinking water supplier. And  
16 the plaintiff, Santa Clarita Valley Water Agency, claims that  
17 the defendant, Whittaker Corporation, released hazardous  
18 chemicals, including what are called volatile organic  
19 compounds. It's a mouthful. So we're going to be referring to  
20 it as VOCs, or the lawyers will and you will see the references  
21 VOCs.

22 So let me -- since I interrupted that, the  
23 plaintiff claims that the defendant released hazardous  
24 chemicals, including VOCs, from its manufacturing site into  
25 soil and groundwater. SCV Water contends that these substances

1 have migrated to and contaminated SCV -- that is, SCV Water's  
2 wells.

3 Now, the defendant, again, is  
4 Whittaker Corporation. And the defendant denies that VOCs from  
10:24AM 5 the Whittaker site have migrated to plaintiff's wells.  
6 Whittaker claims that SCV Water and other parties are partially  
7 or wholly responsible for VOC contamination of SCV Water's  
8 wells.

9 So let me start by asking whether anyone knows  
10:24AM 10 anything about this case from any source prior to coming here  
11 this morning. If so, let me know by raising your hand.

12 I see no hands raised.

13 Now, for those of you who are thinking, oh, my  
14 goodness, volatile organic compounds, how am I going to  
10:25AM 15 possibly understand all of this? Let me just say this to you,  
16 that these lawyers are experienced. It is their responsibility  
17 to communicate this case to you in clearly understandable terms  
18 so that you can and will understand the case sufficient to do  
19 your job if you are selected.

10:25AM 20 In that regard, you're going to be hearing words  
21 like "volatile organic compounds" or other things that might  
22 seem technical, and you will hear it more than one time. So  
23 this is not going to be a trial that will go by in a couple or  
24 a few hours. I will explain to you what the estimate is in  
10:25AM 25 this case.

1                   So you will have an opportunity to hear some of  
2                   this information more than one time to make sure that you're  
3                   understanding it. So you shouldn't be fearful because you  
4                   don't have a scientific background or a technical background or  
10:26AM 5                   you never have heard of these words.

6                   So once again, no one is -- has there been anyone  
7                   who has heard or knows anything about this case prior to coming  
8                   here this morning? I asked the question, but I want to make  
9                   sure that the answer is the same.

10:26AM 10                   I see no hands raised.

11                   So now let me tell you why you are here. You  
12                   might be asking, Well, isn't this the kind of case that maybe a  
13                   judge or some special scientist should decide and the like?  
14                   And that's a fair question.

10:26AM 15                   But one of the things that you should know, if  
16                   you don't already know, is that the reason that you are going  
17                   to decide this case rather than myself or some scientific panel  
18                   or whatever is because of a document called the United States  
19                   Constitution.

10:27AM 20                   Everyone probably is familiar with the fact that  
21                   in criminal cases that the defendant, the parties have a right  
22                   to a criminal -- to a jury trial, but the same is actually true  
23                   in connection with civil cases. So it's contained in the  
24                   7th Amendment to the Constitution, and it is a right to a jury  
10:27AM 25                   trial in civil matters. And the right applies to both parties

1 in a civil case.

2 So the plaintiff, in this instance SCV Water, has  
3 a constitutional right to bring its case into court and have a  
4 jury decide the issues that divide the parties.

10:27AM

5 It's also true that Whittaker has that exact same  
6 right. Whittaker Corporation has the right to defend itself  
7 before a jury, and that is why you are all here.

10:28AM

8 Is there anyone for any reason, either has some  
9 view about this issue or otherwise, is going to be unable to  
10 serve as a juror because you believe that parties in a civil  
11 case are not entitled to have a jury decide the issues,  
12 notwithstanding the 7th Amendment to the Constitution? Is  
13 there anyone here who is going to either not participate or  
14 hold it against any party because they are here in court, they  
15 have a dispute, and they're asking nine citizens to decide this  
16 case? Is there anyone here who is not going to be able to  
17 participate because of some view about the 7th Amendment?

10:28AM

18 I see no hands raised.

10:29AM

19 Now, the trial schedule, as I mentioned, that I  
20 would get to, I'm now going to tell you a little bit about it.

10:29AM

21 First of all, you're a special group. Here's  
22 what I mean by that, is that I decided in this case, because  
23 the trial is going to be just a little bit longer than the  
24 average case, to make sure that the jury department sent out a  
25 lot of summons to see if you were all able to serve on a case



1 of the anticipated length. And the anticipated length of this  
2 case is approximately 12 court days.

3 So if you're in this courtroom, it is because  
4 each of you has indicated that you, in fact, can serve on this  
10:29AM 5 case. And you have also had a chance to provide any  
6 information to a magistrate judge this morning before you came  
7 into this courtroom if that somehow has changed or there's a  
8 reason why you can't serve on a case of this length. I will  
9 inquire about that in a moment, but let me just focus again on  
10:30AM 10 the trial schedule.

11 So today is the 17th. What's expected is that  
12 this case is going to go approximately 12 days, as I mentioned,  
13 and there's more than, I think, 12 court days there. But the  
14 estimate is approximately 12 court days. Of course, next week  
10:30AM 15 is a holiday. So the Court will be dark on the 25th and the  
16 26th. So we will not be in trial on the 25th and the 26th. We  
17 will be in session on the day before Thanksgiving; although, I  
18 might be persuaded to let people go a little bit earlier on the  
19 24th.

10:30AM 20 Ordinarily, we do end fairly early. So if you  
21 are selected in this case, the typical trial hours start at  
22 8:30. So today we got a little bit of a later start because  
23 there's orientation and things that you participated in. But  
24 ordinarily, once you're selected in this case, you're going to  
10:31AM 25 come to my courtroom at 8:30 and we're going to start. And I'm

1 pretty much a stickler on starting on time.

2 So I expect that we're going to start at 8:30  
3 sharp, and we're going to go through typically until 2:30 with  
4 a fairly short break. We're going to have about a 30-minute  
10:31AM 5 break for lunch and maybe two 15-minute breaks throughout the  
6 day.

7 Now, I do it that way because we get in a decent  
8 amount of trial time, but then you can go on your way. Some  
9 courts, certainly on the state side this is true, you have an  
10:31AM 10 hour and a half for lunch and then you have two easily  
11 15-minute breaks. So you have about two-and-a-half to three  
12 hours of time that you're really not doing very much.

13 So I'm able to get in as much court time  
14 generally with this schedule, which is also useful, I think,  
10:32AM 15 for everyone who is able to get on the roads and things of that  
16 sort.

17 Now, one thing I do want to point out and  
18 emphasize. Do you see the word "typical"? That has meaning.  
19 That means that that's what we're generally going to be doing,  
10:32AM 20 but there there could be variances. Today there will be a  
21 variance. Today we're going to go until about 4:30 because  
22 we're starting the process a bit later.

23 There may be other days where I will tell you,  
24 look, we're going to go until about 3:00 o'clock or so. It's  
10:32AM 25 possible we will say, you know, we're going to break at

1 2:00 o'clock, but you need to be a little bit flexible. So I  
2 will do my best to try to make sure that we're breaking at  
3 2:30, but I need your flexibility.

4 Don't do this. Well, Judge, you know, you said  
10:32AM 5 2:30 and I have an appointment at 2:45. And I'm going to say,  
6 Do you remember when I said "typical" and I explained that? So  
7 please make sure that you don't put yourself in that position.

8 Now, the reasons you are here, as I mentioned, is  
9 because you went through, you were screened by the process,  
10:33AM 10 that summons process I mentioned. You were able -- if you had  
11 any excuses that you couldn't serve on a case of this length,  
12 you could have spoken to the magistrate judge who considered  
13 it. And if you are here, it is my assumption that you are  
14 available to serve in this case for the estimated length of it.

10:33AM 15 If that is not true, if -- let's say, you were in  
16 the restroom somehow when the magistrate judge was asking if  
17 you had any excuse or, you know, for some reason you just  
18 weren't paying attention, let me know now if that's the case  
19 because, otherwise, I'm going to proceed on the assumption that  
10:33AM 20 you're good to go. If you get selected on this case, you can  
21 do it. You can serve.

22 Anyone here where that's not true, where you want  
23 to tell me you can't serve on a case of this length? If so,  
24 this is the time to tell me.

10:34AM 25 I see no hands raised.

1           Then let me at this point explain to you your job  
2 if you are selected in this case. So we are going to select,  
3 as I said, nine people from your number. Those nine people who  
4 are selected will serve as jurors. Right now you are not a  
10:34AM 5 juror. You are a prospective, a potential juror. But if you  
6 are ultimately in the nine people who are left in this case and  
7 selected, you will be a juror.

8           What is the job of a juror? For those of you who  
9 have not served or otherwise don't know what the job entails,  
10:34AM 10 I'm going to explain it to you. And it's a very important job,  
11 but ultimately it's pretty straightforward. Your job is to be  
12 a judge of the facts. You're going to be fact finders. So  
13 your job is to determine what the facts are in this case based  
14 solely on the evidence that will be presented at trial in the  
10:35AM 15 courtroom.

16           So you will hear witnesses. You will see  
17 exhibits. And then you will pay careful attention. You will  
18 have an opportunity at the end to speak with the -- your fellow  
19 jurors and to deliberate and the like. I will provide you with  
10:35AM 20 instructions on the law, and you will apply the law to the  
21 facts as you find them.

22           When I tell you what the law is, you must follow  
23 it, even if you disagree with the law. So we're all free to  
24 have our own views about the law. As you might imagine, there  
10:35AM 25 isn't a judge who sits who agrees with every law that's on the

1 books. We all have our views about what the law ought to be.  
2 But we also live in a society where we are bound by laws. We  
3 are a nation of laws. We're not an anarchy, which means that,  
4 even if you disagree with the law, you have to set aside your  
10:36AM 5 disagreement and apply the law that is given to you.

6 Is there anyone here who is unable for any reason  
7 to serve in the role as a juror, which means you're going to  
8 decide the case solely based upon the facts presented in the  
9 courtroom, you will apply the law to the facts as you find  
10:36AM 10 them, and you're going to apply the law even if you disagree  
11 with it? Is there anyone here who is unable to serve as a  
12 juror performing that role? If so, let me know by raising your  
13 hand.

14 I see no hands raised.

10:36AM 15 Now, in a civil case, there are two big  
16 questions. Big, big picture questions. Right? To illustrate  
17 what I mean, in a criminal case, you know what the big question  
18 is. Right? It's guilty or not guilty. That's the big  
19 question in a criminal case. This is a civil case. That's not  
10:37AM 20 the big question.

21 There are two kind of big questions in a civil  
22 case. The first question is: Liable or not liable? It's not  
23 guilty or not guilty. That's in a criminal case. It's liable  
24 or not liable.

10:37AM 25 And then if the defendant is liable, you find

1 them to be liable, then you turn to the second big question,  
2 which is damages. Is the plaintiff entitled to the damages  
3 that they're seeking? If so, you will apply the law and you  
4 will award damages if you find that the plaintiff has  
10:37AM 5 demonstrated that the defendant is liable.

6 So there are two types of damages being sought in  
7 this case. First, SCV Water is claiming that they're entitled  
8 to what are called "compensatory damages," that are damages to  
9 compensate them for harm that they claim they sustained or will  
10:38AM 10 sustain in the future.

11 They're also claiming what are referred to as  
12 "punitive damages," and the law -- and I will instruct you on  
13 the law if you're selected -- tells you about all of the things  
14 that you need to know to determine is the plaintiff -- I mean,  
10:38AM 15 is the defendant liable? The liability questions, there will  
16 be instructions on that.

17 And then there are instructions as well, if you  
18 find that the defendant is liable, that the plaintiff has  
19 proved its case, what damages should you award? And I will  
10:38AM 20 provide you with instructions in that regard that applies to  
21 both compensatory as well as punitive damages.

22 And so my question to you is -- now, I have asked  
23 you the big question -- the question about whether you could be  
24 a juror in this case and you said you could. You could decide  
10:39AM 25 the case only on the facts presented at trial. You will apply

1 the law, even if you disagree with it. And now I want to focus  
2 in on this issue of liability and damages as well.

3 So is there anyone here for whatever reason is  
4 not able to comply with the law concerning both liability and  
10:39AM 5 damages? That is, for whatever reason you have a view that, I  
6 don't care what the law is, I'm always going to find the  
7 defendant liable. I'm never going to find the defendant  
8 liable. I'm being silly here, but you get the point. Or I'm  
9 never going to award damages or I'm always going to award  
10:39AM 10 damages or I'm never going to award damages more than a certain  
11 amount or I'm never going to award punitive damages or I'm  
12 always going to. You get the point.

13 Is there anyone here who is not going to be able  
14 to follow the law, even if you disagree with it? Let me know  
10:40AM 15 by raising your hand.

16 I see no hands raised.

17 Now, just to make sure you all have this -- and I  
18 think you do, but just to make sure -- if you are selected as a  
19 juror, you're going to receive evidence or you're going to hear  
10:40AM 20 evidence. And evidence generally comes in two forms -- really  
21 three that I will explain to you but two main forms. The first  
22 is testimony.

23 So there are going to be witnesses who are going  
24 to take the stand. You saw the potential witness list.  
10:40AM 25 They're going to take the stand, and they're going to talk to

1 you, essentially. That's testimony.

2 The other type of evidence are exhibits. What  
3 are exhibits? I don't know exactly what's going to come in in  
4 this case. But just to give you an example of this category,  
10:41AM 5 exhibits include things like documents, photographs, diagrams,  
6 things of that nature.

7 And I said really there's a third category.  
8 There's a third category called "stipulations," which are  
9 agreements by the parties about certain facts. And the parties  
10:41AM 10 have agreed. To their credit, they were able to agree to some  
11 facts, which makes it a little bit easier on you because you  
12 don't have to decide those facts because they have agreed upon  
13 them. And since they have agreed upon them -- and I will tell  
14 you what they are if you are selected -- you have to accept  
10:41AM 15 them as being true.

16 And that's what you're going to decide the case  
17 on, based upon the evidence, testimony, the exhibits, and the  
18 stipulations. Everything else is not admitted and you cannot  
19 consider it. So that is the reason that you can't do any  
10:41AM 20 research.

21 Remember I told you earlier on an important  
22 order, you can't conduct any investigation or research? That  
23 is because, if you do so, you're going to be depriving the  
24 parties of a fair trial. They have no idea what information  
10:42AM 25 you're researching. They have no idea, nor do I, whether it's



1 true, whether it's reliable, whether it should be placed in  
2 context. There's no way for anyone to be able to examine what  
3 you are looking at outside the courtroom. And so you will be  
4 preventing these parties from having a fair trial, and that is  
10:42AM 5 a serious matter.

6 That's also why you're not permitted to talk  
7 about the case. Because even if you think it's as innocent as  
8 you're telling somebody a little bit about the case, people  
9 tend to respond. And next thing you know, there's a  
10:42AM 10 conversation about the case. So you can't talk about the case  
11 at all.

12 Also, no other cases are relevant, will not be  
13 received. What I mean by that is, let's say, for example, you  
14 previously served on a jury in a case that sounds very similar.  
10:42AM 15 It involved allegations of groundwater contamination. Now,  
16 whatever happened in that case is not going to get admitted  
17 into this case because it's not relevant. You can't consider  
18 it.

19 Also, let's say you happen to be involved or know  
10:43AM 20 of another case. It didn't go to court. You weren't a juror.  
21 Also, that's not going to be relevant. It will tell you  
22 nothing about what happened in this case, and you will not be  
23 able to consider it.

24 Is there anyone who is unable to consider only  
10:43AM 25 the evidence in this case if you are selected as a juror? Is

1 there anyone here who is unable to do that for any reason?

2 Once again, I see no hands raised.

3 Now, you will also be instructed if you are  
4 selected -- one of the important jobs that you will have as a  
10:43AM 5 juror is to listen to witnesses and decide how much, if any,  
6 you want to credit the testimony that you're hearing from  
7 witnesses. You can decide their credibility, their  
8 reliability. That's an important job function of being a  
9 juror.

10:44AM 10 And if you are selected as a juror, you must  
11 evaluate witnesses based on your observations of them in this  
12 courtroom or in the courtroom that you will be going to, not  
13 based upon any bias against a group. And that includes any  
14 bias based upon race, religion, nationality, all of the things  
10:44AM 15 that you know about. But it also includes discriminating  
16 against someone because they belong to an occupation or they  
17 have a job that you don't like or you do like.

18 So someone is a police officer and you don't like  
19 police officers, let's say, as a general rule. So a police  
10:44AM 20 officer testifies -- I don't know if that's going to happen in  
21 this case -- police officer testifies. You don't like police  
22 officers, so you're not even going to listen to what that  
23 person has to say. That's being biased against that individual  
24 because you're not treating that person as an individual.

10:45AM 25 True on the other side. You like police

1 officers, so anything that a police officer says you're going  
2 to accept. No. Once again, in that instance, you're being  
3 biased but in favor of that person because you're not treating  
4 that person as an individual.

10:45AM

5 Is there anyone here who is unable to follow this  
6 law if you were selected as a juror? If so, let me know by  
7 raising your hand.

8 I see no hands raised.

10:45AM

9 Now, I do want to talk to you about something  
10 that I have sort of alluded to and that is -- it's called the  
11 burden of proof. And I want to make sure that you understand  
12 that this is a civil case and that the burden of proof in a  
13 civil case is different from the burden of proof in a criminal  
14 case. I believe some of you have actually sat on criminal

10:45AM

15 cases as jurors. And so I want to make sure that you  
16 understand that the burdens of proof are quite different.

17 In a civil case, the burden of proof is called  
18 preponderance of the evidence. And that's just a fancy way of  
19 saying more likely than not.

10:46AM

20 In a criminal case, the burden of proof is much  
21 heavier. It's called proof beyond a reasonable doubt, a much  
22 heavier burden than the preponderance of the evidence burden.

23 In civil cases, the party with the burden must  
24 prove the evidence in its favor is more likely true than not  
25 true.

10:46AM

1           Is there anyone who is unable to apply the proper  
2     burden of proof in this case because you have sat on a criminal  
3     case and you just think you're going to be confused about it or  
4     for whatever reason you will not be able to apply the correct  
10:46AM 5     burden of proof in this case? Is there anyone who is unable to  
6     do that? If so, let me know by raising your hand.

7           I see no hands raised.

8           Now, at this point, ladies and gentlemen, the  
9     Court has received some questionnaire responses based upon a  
10:47AM 10    questionnaire -- one moment, please -- based upon a  
11    questionnaire that each of you were kind enough to complete.

12           At this point, what I'm going to do is I'm going  
13    to ask each one of you questions following up on the  
14    questionnaire, and I'm going to do it in order. So we're going  
10:47AM 15    to start with No. 1, 2, 3, 4, et cetera. And I'm going to ask  
16    each of you questions.

17           Please remember when you are speaking that you  
18    speak loudly enough so that we can hear you. You should please  
19    take down your mask when I'm speaking to you so that we can  
10:47AM 20    hear you. And I think we have a microphone that we will be  
21    giving to you. If not, you can just step up to that -- there  
22    you go. So as they say, you can just step up to the mic.

23           And we have a microphone right on that side as  
24    well as on the other side of the jury box. And then you will  
10:48AM 25    see we also have the same thing for those of you who are in the

1 gallery. And I don't know that I precisely said this, but I  
2 know I told you that we're doing this in this larger courtroom  
3 so that we can essentially try to have spacing here.

4 So what we have tried to do is make sure that  
10:48AM 5 everyone is about six feet away from each other. We have you  
6 wearing masks. The only -- and we're behind these -- the  
7 Plexiglas. And when people are talking is the only time where  
8 you're permitted to take your mask down. Otherwise, please  
9 make sure that you have your mask on.

10:48AM 10 Now, if anyone needs to modify anything they  
11 stated in their questionnaire response, when I call you up,  
12 please tell me that. Offer that. And it happens. Sometimes  
13 what happens is you fill out a questionnaire and now you're  
14 starting to think about it a little more or you're hearing  
10:49AM 15 other people respond and it jogs your memory about something.  
16 Not a problem. Again, don't panic. It happens. The only  
17 thing you need to do is let me know that. So let me know.

18 Now, we will start with No. 1, if you will kindly  
19 step up to the microphone nearest to you.

10:49AM 20 PROSPECTIVE JUROR NO. 1: Take off the mask?

21 THE COURT: If you would kindly do that, I would  
22 appreciate it.

23 So, Prospective Juror No. 1, you serve as a  
24 courtroom clerk -- or a court clerk, I should say.

10:49AM 25 PROSPECTIVE JUROR NO. 1: I work right across the

1 street at the superior court.

2 THE COURT: At Mosk?

3 PROSPECTIVE JUROR NO. 1: Yes.

4 THE COURT: And what do you do as a court clerk?

10:49AM 5 PROSPECTIVE JUROR NO. 1: I work in the phone  
6 center, answer phone calls for the courtrooms and enter  
7 documents onto the computer.

8 THE COURT: And how long have you worked for  
9 L.A. Superior Court?

10:49AM 10 PROSPECTIVE JUROR NO. 1: I started in 1995. So  
11 20 -- going on 26 years.

12 THE COURT: Ever worked inside the courtroom  
13 itself?

14 PROSPECTIVE JUROR NO. 1: Yeah, I have.

10:50AM 15 THE COURT: As a judicial assistant?

16 PROSPECTIVE JUROR NO. 1: A courtroom assistant.  
17 Assistant to the judicial assistant.

18 THE COURT: Have you always worked on the civil  
19 side?

10:50AM 20 PROSPECTIVE JUROR NO. 1: Yes. Only civil.

21 THE COURT: Have you ever been in the courtroom  
22 while evidence was being presented in an environmental case  
23 that you can recall?

24 PROSPECTIVE JUROR NO. 1: Yes. Yes. Not too  
10:50AM 25 much, but yeah, I have. I have been exposed.

1 THE COURT: All right. And approximately how  
2 many cases would you say where you were in a courtroom and  
3 there was an environmental case going on?

4 PROSPECTIVE JUROR NO. 1: I was always in and out  
10:50AM 5 of the courtroom because that's when we would have to retrieve  
6 files from records. And I didn't spend too much time focused  
7 on the cases because you can't. You have to answer phones. So  
8 I would just say a handful, maybe five to ten.

9 THE COURT: Understood. And you anticipated a  
10:51AM 10 question I was going to ask you, and let me just confirm it. I  
11 mean, I've seen how busy courtroom assistants are in the  
12 courtroom itself. You're doing your job. You're generally not  
13 focusing on the evidence, trying to follow it. You're doing  
14 your own job.

10:51AM 15 PROSPECTIVE JUROR NO. 1: Correct.

16 THE COURT: Is there any change that you would  
17 like to make to the -- to your background questionnaire? Any  
18 additions, subtractions, anything like that?

19 PROSPECTIVE JUROR NO. 1: No.

10:51AM 20 THE COURT: Now, do you have any children of  
21 working age?

22 PROSPECTIVE JUROR NO. 1: No. No children.

23 THE COURT: And you did serve on a civil case?

24 PROSPECTIVE JUROR NO. 1: Back in the '90s.

10:51AM 25 THE COURT: What type of case was it, if you can

1 remember?

2 PROSPECTIVE JUROR NO. 1: It was like a personal  
3 injury kind of case.

4 THE COURT: And you were a deliberating juror?

10:51AM 5 PROSPECTIVE JUROR NO. 1: Yeah, I was.

6 THE COURT: And you reached a verdict in that  
7 case?

8 PROSPECTIVE JUROR NO. 1: We did.

9 THE COURT: Now, that was an L.A. Superior Court  
10:51AM 10 case or state case?

11 PROSPECTIVE JUROR NO. 1: Yeah. L.A. Superior  
12 Court. It was in Alhambra.

13 THE COURT: All right. Now, I don't know if you  
14 remember this. But on the state side, a jury doesn't have to  
10:52AM 15 be unanimous for a civil case. It's three-fourths. You have  
16 12 people. Nine out of 12, you have a verdict.

17 PROSPECTIVE JUROR NO. 1: Correct.

18 THE COURT: Here in federal court, there are no  
19 alternates. All nine people deliberate, and the verdict must  
10:52AM 20 be unanimous. Do you understand the difference?

21 PROSPECTIVE JUROR NO. 1: Yes, I do.

22 THE COURT: Do you have any reason to think it  
23 would be difficult for you to serve on a federal case, in this  
24 case in particular?

10:52AM 25 PROSPECTIVE JUROR NO. 1: No.



1 THE COURT: And is there anything about your  
2 background and experience that you think would make it  
3 difficult for you to be fair and impartial in this case? And  
4 by that, I simply mean that you're going to decide the case  
10:52AM 5 only on the facts and the law presented in the courtroom.

6 PROSPECTIVE JUROR NO. 1: No. I don't see a  
7 problem with that.

8 THE COURT: All right. And your spouse is a bus  
9 driver?

10:52AM 10 PROSPECTIVE JUROR NO. 1: Partner.

11 THE COURT: Your partner is a bus driver?

12 PROSPECTIVE JUROR NO. 1: Yes.

13 THE COURT: For approximately how long?

14 PROSPECTIVE JUROR NO. 1: 22 years.

10:52AM 15 THE COURT: Got you. Thanks. Have a seat,  
16 please. Thank you so much.

17 Let's have No. 2, please, take to the mic.

18 And you are a quality control analyst.

19 PROSPECTIVE JUROR NO. 2: Yes, I am, Your Honor.

10:53AM 20 THE COURT: Tell me a little bit about what you  
21 do as a quality control analyst.

22 PROSPECTIVE JUROR NO. 2: So I work in Torrance  
23 for a chromatography company. We deal with separation  
24 sciences, anything from drug analysis to environmental  
10:53AM 25 sampling. We do not do the environmental sampling ourselves.

1 We simply supply the chromatography columns to other companies  
2 that do the sampling themselves.

3 THE COURT: And I do appreciate your speaking  
4 into the mic. It's very helpful. But if you just -- maybe  
10:53AM 5 pull a little bit further away, couple inches or so.  
6 Otherwise, it reverberates a little bit.

7 How long have you worked in that type of job?

8 PROSPECTIVE JUROR NO. 2: Since January 2014. So  
9 coming up on eight years now.

10:53AM 10 THE COURT: And more specifically -- I don't need  
11 to know the full details of what you're doing, but tell me kind  
12 of what your core job function is.

13 PROSPECTIVE JUROR NO. 2: So I deal with the  
14 material that we use to pack our chromatography columns with.  
10:54AM 15 Every batch that we release has to be sufficiently tested  
16 before we release it to our customer. So that's what I do. I  
17 test the batches for chemical analysis, basically.

18 THE COURT: What type of chemicals are you  
19 testing for?

10:54AM 20 PROSPECTIVE JUROR NO. 2: So what we deal with is  
21 called a -- it's a stationary phase. So we -- it's silica  
22 particles that we bond with diodes and --

23 THE COURT: Did you say silicon particles?

24 PROSPECTIVE JUROR NO. 2: They're silica  
10:54AM 25 particles that we bond -- we bond them through a stationary

1 phase, and that interacts with the solvents that we pass  
2 through the column. And that can cause them to separate out.  
3 And that's how our customers do their environmental sampling.

10:54AM 4 THE COURT: And what's the object of this  
5 environmental sampling?

6 PROSPECTIVE JUROR NO. 2: Most of our customers  
7 are -- they're usually within the medical field, usually drug  
8 analysis, things like that. But we also deal with a lot of  
9 customers that deal with, like, water sampling or things of  
10:55AM 10 that nature as well.

11 THE COURT: And are you involved in the  
12 environmental -- the sampling as well, including what you have  
13 just --

14 PROSPECTIVE JUROR NO. 2: No. Our company does  
10:55AM 15 not do the environmental sampling ourselves. We only supply  
16 that to our customers. They do the environmental sampling.

17 THE COURT: I see.

18 Do you have any background or experience in the  
19 area of groundwater contamination? And I mean it broadly  
10:55AM 20 defined. So any connection at all.

21 PROSPECTIVE JUROR NO. 2: No. I have never  
22 worked in groundwater contamination.

23 THE COURT: All right. And I see that you  
24 indicate that you do have a concern about the quality of the  
10:55AM 25 water, the tap water in Manhattan Beach where you live; is that

1 right?

2 PROSPECTIVE JUROR NO. 2: Yes. I have noticed  
3 that sometimes the tap water where we live, it's often hard,  
4 meaning it has a lot of minerals dissolved in it, which is why  
10:55AM 5 I use a personal filtration device. I do not drink directly  
6 out of the tap.

7 THE COURT: Have you ever done anything about it,  
8 meaning contacted anyone about the water, as an example?

9 PROSPECTIVE JUROR NO. 2: No. Personally I have  
10:56AM 10 not taken any action against that, no.

11 THE COURT: How would you describe the extent of  
12 your concern? Is this -- is this just something that, you  
13 know, you have noticed it, you're getting a water filter, or is  
14 it something beyond that?

10:56AM 15 PROSPECTIVE JUROR NO. 2: It's minor concern, I  
16 would say. It's just something that I personally deal with on  
17 a day-to-day basis.

18 THE COURT: I understand.

19 If you were selected in this case, do you have  
10:56AM 20 any concerns whatsoever about your ability to decide the case  
21 solely on the facts and the law presented in this courtroom?

22 PROSPECTIVE JUROR NO. 2: No, I do not.

23 THE COURT: Given the concern that you have, as  
24 you have described, about your own tap water, do you think  
10:56AM 25 that's going to interfere with your ability to give both sides

1 a fair shot?

2 PROSPECTIVE JUROR NO. 2: I do not believe it  
3 will, no.

10:56AM

4 THE COURT: So whatever concerns you have, you  
5 understand that that's going to tell you nothing about what  
6 happened in this case?

7 PROSPECTIVE JUROR NO. 2: I'm willing to put that  
8 aside, yes.

10:57AM

9 THE COURT: All right. And is there any change  
10 or modifications that you would make to your questionnaire  
11 response?

12 PROSPECTIVE JUROR NO. 2: No, there is not.

13 THE COURT: All right. I thank you very much.  
14 You can take a seat.

10:57AM

15 Let's have No. 3, please.

16 And you work as a mechanical engineer?

17 PROSPECTIVE JUROR NO. 3: That is correct.

18 THE COURT: And how long have you done that type  
19 of work?

10:57AM

20 PROSPECTIVE JUROR NO. 3: About four-and-a-half  
21 years.

22 THE COURT: And could you just give me a little  
23 more information about what you're doing?

24 PROSPECTIVE JUROR NO. 3: Sure.

10:57AM

25 So I'm a mechanical engineer in the aerospace

1 sector. I design test equipment, ground test equipment for  
2 testing aerospace components, structures. I'm working on a  
3 rotor test right now, like, for helicopters, things of that  
4 nature.

10:57AM 5 THE COURT: Have you worked for the same company  
6 for the four-and-a-half years?

7 PROSPECTIVE JUROR NO. 3: Yes.

8 THE COURT: And in the course of the work that  
9 you do, do you have any interaction with the waste disposal  
10:58AM 10 side of the business?

11 PROSPECTIVE JUROR NO. 3: No, I do not.

12 THE COURT: Do you have any knowledge about waste  
13 disposal practices at the company where you work?

14 PROSPECTIVE JUROR NO. 3: I mean, we have  
10:58AM 15 procedures on what we need to do with certain materials, but I  
16 don't have any specific knowledge beyond that.

17 THE COURT: Understood.

18 And have you ever been made aware of any issues  
19 concerning waste disposal or contamination in the course of  
10:58AM 20 your employment?

21 PROSPECTIVE JUROR NO. 3: I have not, no.

22 THE COURT: All right. You have heard very  
23 little about what the case is about. But is there anything  
24 about this case that you would like to disclose that you think  
10:58AM 25 the parties would want to know about, given your background as

1 an engineer?

2           There would be potentially technical information  
3 and the like that's presented here. So I would just be  
4 interested sort of in an open-ended way whether you have any  
10:59AM 5 thoughts about something that only you would know that might  
6 affect your ability to be impartial in this case.

7           PROSPECTIVE JUROR NO. 3: No. I don't think I  
8 have anything to disclose as far as that goes.

9           THE COURT: All right. And you will hear, if  
10:59AM 10 you're selected, from people who have specialized expertise.  
11 You may have some intersection, meaning maybe you took a course  
12 in -- that dealt with water contamination or things like that.  
13 I don't know.

14           But here's the point, is that you're not going to  
10:59AM 15 be required to clean your memory from what you know, but you  
16 can't be an expert in the case, which means that you cannot,  
17 for example, start explaining to other jurors, well, let me  
18 tell you about this area because that's what the experts are  
19 here to do.

11:00AM 20           And I know that may seem difficult to do, but let  
21 me give you even a more closer to home example.

22           So I'm actually -- I just recently received a  
23 summons for jury service, and I'm eligible to serve as a juror.  
24 And if I were selected to be a juror, I would be instructed as  
11:00AM 25 to what the law is. And that's what I do. I have some

1 knowledge about the law.

2 So if I were selected as a juror, I would not be  
3 able to tell the jury, for example, well, you know what, I  
4 think this instruction is wrong. I don't think you should  
11:00AM 5 follow it. Or here's the law that the judge told you about,  
6 but the judge didn't tell you about something else that you  
7 really need to know about. Can't do that because I'm not an  
8 expert. I'm a juror. I'm deciding what the facts are and I'm  
9 applying the law.

11:00AM 10 Do you understand the distinction?

11 PROSPECTIVE JUROR NO. 3: Yes.

12 THE COURT: Would that present a problem for you  
13 if you were selected in this case?

14 PROSPECTIVE JUROR NO. 3: No, that would not be a  
11:01AM 15 problem.

16 THE COURT: Do you have any -- have you ever  
17 studied any science that would give you particular expertise  
18 with regard to the area of water contamination?

19 PROSPECTIVE JUROR NO. 3: No.

11:01AM 20 THE COURT: Or groundwater contamination?

21 PROSPECTIVE JUROR NO. 3: No.

22 THE COURT: All right. Thank you so much, sir.  
23 You can be seated.

24 Let's have No. 4.

11:01AM 25 Prospective Juror No. 4, you are retired. What



1 are you retired from?

2 PROSPECTIVE JUROR NO. 4: The automotive  
3 business.

11:01AM

4 THE COURT: Tell me what you did for the  
5 automotive business.

6 PROSPECTIVE JUROR NO. 4: Assistant service  
7 manager and service advisor.

8 THE COURT: So this is on the service side of a  
9 dealership?

11:01AM

10 PROSPECTIVE JUROR NO. 4: Correct.

11 THE COURT: And how long did you do that type of  
12 work for?

13 PROSPECTIVE JUROR NO. 4: I would say close to  
14 50 years.

11:01AM

15 THE COURT: And did you work for the same  
16 dealership, same company? Give me a little sense of that.

17 PROSPECTIVE JUROR NO. 4: No. Maybe about  
18 30 years for one company and various other companies that I  
19 worked for.

11:02AM

20 THE COURT: And in the course of your years  
21 working in the automotive industry, did you do any work  
22 involving waste disposal or touching upon waste disposal?

11:02AM

23 PROSPECTIVE JUROR NO. 4: Touching upon it. In  
24 the automotive business, there is going to be a lot of waste  
25 removal. And it's going to be -- but not directly involved,

1 you know.

2 THE COURT: So tell me sort of where your  
3 intersection was as a service or assistant service manager with  
4 the waste disposal practices of the various businesses.

11:02AM

5 PROSPECTIVE JUROR NO. 4: Well, just the way  
6 things are disposed of, you know. The oil has to be disposed  
7 of. So it's a matter of knowledge, but me not being really  
8 involved in the actual process of disposing of it but  
9 actually -- you're aware of it. It's there every day, of

11:03AM

10 hazardous waste and the different things that we had to use to  
11 protect the environment.

12 THE COURT: All right. And could you give me  
13 some example or examples of the types of things you had to do  
14 or use to protect the environment?

11:03AM

15 PROSPECTIVE JUROR NO. 4: Well, it's a matter of  
16 even the chemicals that we use, the disposal, where it has to  
17 be, you know, the disposal of it, how the procedure is.

18 Like, for instance, oil changes aren't done  
19 anymore where you just drain the oil. You have to have a  
20 vacuum that sucks it out of the engine and the oil never  
21 reaches any of the environment and then it's disposed of. It's  
22 put in barrels, and then it's picked up by a -- by a  
23 professional disposal.

11:03AM

24 THE COURT: And in the course of your employment  
25 over the years, were there any issues, regulatory or otherwise,

11:03AM

1 with any of the businesses that you worked for involving  
2 environmental issues?

3 PROSPECTIVE JUROR NO. 4: If I can -- if I'm  
4 understanding your question correctly, yes. Nothing really in  
11:04AM 5 particular other than there was violations that had to be taken  
6 care of. And, you know, of course the dealership went ahead  
7 and took care of them.

8 So there was no serious fines, just things they  
9 had to do and they corrected the things that they were doing  
11:04AM 10 incorrect.

11 THE COURT: These were of an environmental  
12 nature, meaning the violations were of rules, regulations, and  
13 the like that were designed to be environmentally protective?

14 PROSPECTIVE JUROR NO. 4: And the way things were  
11:04AM 15 disposed of. You know, there's rules of how they have to be  
16 disposed of. And some of those rules weren't followed  
17 correctly and now, you know -- were changed.

18 THE COURT: All right. If you were selected in  
19 this case, just like I explained with Prospective Juror No. 3,  
11:04AM 20 no one is going to tell you that you don't bring your own  
21 common sense and experience into the courtroom, but you can't  
22 be an expert. You have to listen to the evidence, evaluate the  
23 evidence, and then apply the law as I give it to you. Would  
24 you be able to do that if you were selected?

11:05AM 25 PROSPECTIVE JUROR NO. 4: I believe I could.

1 THE COURT: Do you have any concerns about your  
2 ability to do that?

3 PROSPECTIVE JUROR NO. 4: No.

4 THE COURT: And are there any changes that you  
11:05AM 5 would make to your questionnaire response?

6 PROSPECTIVE JUROR NO. 4: No.

7 THE COURT: All right. And you have no children;  
8 is that correct?

9 PROSPECTIVE JUROR NO. 4: I have one child. But  
11:05AM 10 he's actually old enough, you know.

11 THE COURT: Got it.

12 PROSPECTIVE JUROR NO. 4: He will always be my  
13 child but --

14 THE COURT: Of course. Of course.

11:05AM 15 Is this a son or --

16 PROSPECTIVE JUROR NO. 4: It's my son.

17 THE COURT: And he's currently not working, but  
18 what has he previously done?

19 PROSPECTIVE JUROR NO. 4: He was an EMT for quite  
11:05AM 20 a few years, and now he's just unemployed.

21 THE COURT: All right. You said an EMT?

22 PROSPECTIVE JUROR NO. 4: Right.

23 THE COURT: Got you. Thank you so much, sir.

24 Let's move on to No. 5, please.

11:05AM 25 Good morning. Prospective Juror No. 5, you are a

1 facility manager and also an aircraft mechanic assistant?

2 PROSPECTIVE JUROR NO. 5: Correct, yes.

3 THE COURT: So you have two jobs, so to speak?

4 PROSPECTIVE JUROR NO. 5: Two jobs at the same

11:06AM 5 place, yes.

6 THE COURT: How long have you worked for that

7 place?

8 PROSPECTIVE JUROR NO. 5: Five years.

9 THE COURT: And before that?

11:06AM 10 PROSPECTIVE JUROR NO. 5: I used to do the same  
11 thing with a different company.

12 THE COURT: And how long did you work for that  
13 company?

14 PROSPECTIVE JUROR NO. 5: 15 years.

11:06AM 15 THE COURT: And have you basically been in the  
16 same field, the same business for your professional working  
17 life?

18 PROSPECTIVE JUROR NO. 5: Yes. Correct.

19 THE COURT: Have you ever had any type of other  
11:06AM 20 occupation?

21 PROSPECTIVE JUROR NO. 5: No. Since I came out  
22 of high school, that's where I went to.

23 THE COURT: All right. What do you do as a  
24 facility manager?

11:06AM 25 PROSPECTIVE JUROR NO. 5: I just basically take

1 care of the facility, make sure all the lights, cameras,  
2 anything that needs to be fixed, get it back up and running.

3 THE COURT: All right. And you're also, you  
4 said, an aircraft mechanic assistant. So you're not only  
11:07AM 5 working on the facilities but you're actually working --

6 PROSPECTIVE JUROR NO. 5: Working on the planes,  
7 yes.

8 THE COURT: And have you worked as an aircraft  
9 mechanic assistant for the past 20 years?

11:07AM 10 PROSPECTIVE JUROR NO. 5: Correct. Yes.

11 THE COURT: And do you spend more of your time  
12 working as an aircraft mechanic, as a facility manager?

13 PROSPECTIVE JUROR NO. 5: I do basically half and  
14 half.

11:07AM 15 THE COURT: All right. In the course of these  
16 two businesses that you have worked for, have you become  
17 familiar with any particular waste disposal practices at these  
18 companies?

19 PROSPECTIVE JUROR NO. 5: Nope.

11:07AM 20 THE COURT: And have you ever been involved in  
21 that end of the business, dealing with waste disposal?

22 PROSPECTIVE JUROR NO. 5: Just whatever waste we  
23 got to dump out of the aircraft.

24 THE COURT: All right. And there's a particular  
11:07AM 25 practice and procedure for doing that?

1 PROSPECTIVE JUROR NO. 5: Yes.

2 THE COURT: So you are actually involved in  
3 whatever the refuse or whatever it is that needs to be disposed  
4 of --

11:07AM 5 PROSPECTIVE JUROR NO. 5: Correct.

6 THE COURT: -- you are actually involved in that?

7 PROSPECTIVE JUROR NO. 5: Yes.

8 THE COURT: And just tell me a little bit about  
9 what you do in that regard.

11:08AM 10 PROSPECTIVE JUROR NO. 5: Basically we just drain  
11 it out. We have a special tank where it goes into it, and then  
12 we just dump it back in the sewer line and down it goes.

13 THE COURT: In the sewer line?

14 PROSPECTIVE JUROR NO. 5: Yes.

11:08AM 15 THE COURT: Have you ever had -- or the company,  
16 as far as you know, any interactions with regulators with  
17 respect to the waste disposal practice?

18 PROSPECTIVE JUROR NO. 5: Not that I know of, no.

19 THE COURT: And you understand what I mean by --

11:08AM 20 PROSPECTIVE JUROR NO. 5: Yes.

21 THE COURT: -- "regulators"?

22 Okay. And you yourself have not had any dealings  
23 with regulators?

24 PROSPECTIVE JUROR NO. 5: No.

11:08AM 25 THE COURT: Any changes that you would make to

1 your --

2 PROSPECTIVE JUROR NO. 5: Nope.

3 THE COURT: Is there anything about your  
4 background or experience that you think would make it difficult  
11:08AM 5 for you to decide this case only on the facts and the law  
6 presented here?

7 PROSPECTIVE JUROR NO. 5: No.

8 THE COURT: So you think you can be fair and  
9 impartial as I have defined it?

11:08AM 10 PROSPECTIVE JUROR NO. 5: Correct.

11 THE COURT: Thank you, No. 5.

12 Let's have No. 6, please.

13 PROSPECTIVE JUROR NO. 6: If you don't mind, I'm  
14 going to keep my mask on.

11:08AM 15 THE COURT: I don't mind, if you don't mind.  
16 What I would ask you to do, though, is, first of all, make sure  
17 that you are speaking into the mic. And can I just have you --  
18 just for one second so at least the lawyers can actually see  
19 you. Would you mind doing that for me?

11:09AM 20 PROSPECTIVE JUROR NO. 6: Okay.

21 THE COURT: Just real quickly.

22 PROSPECTIVE JUROR NO. 6: Sure.

23 THE COURT: Perfect. Now you can put it back on.  
24 I want to make sure you're feeling comfortable. And step up to  
11:09AM 25 the microphone.



1 PROSPECTIVE JUROR NO. 6: All right.

2 THE COURT: And so you are a real estate  
3 appraiser?

4 PROSPECTIVE JUROR NO. 6: Yes. I work for the  
11:09AM 5 Los Angeles County Assessor's Office.

6 THE COURT: The Los Angeles County Assessor's  
7 Office?

8 PROSPECTIVE JUROR NO. 6: Right.

9 THE COURT: And how long have you worked for  
11:09AM 10 them?

11 PROSPECTIVE JUROR NO. 6: 33 years.

12 THE COURT: Doing the same type of work?

13 PROSPECTIVE JUROR NO. 6: Uh, no. When you work  
14 for the Los Angeles County Assessor, we do a lot of different  
11:09AM 15 kinds of properties. I have also spent the last six years in  
16 their training division. Essentially, I've been a real estate  
17 appraiser my whole life.

18 THE COURT: So do you do appraisals at least in  
19 part for purposes of assessment?

11:09AM 20 PROSPECTIVE JUROR NO. 6: Oh, yeah. It's all  
21 assessment.

22 THE COURT: All right. That was my next  
23 question. So all of the appraisal work that you're doing for  
24 the county is specifically for the purpose of assessment,  
11:10AM 25 reassessment, et cetera.

1 PROSPECTIVE JUROR NO. 6: Correct. Except for  
2 the six years when I was in the training division.

3 THE COURT: And what was different then?

4 PROSPECTIVE JUROR NO. 6: Well, I'm training new  
11:10AM 5 employees how to be appraisers.

6 THE COURT: I see.

7 And with regard to the work that you do, do you  
8 have any dealings at all with -- I assume not -- with waste  
9 disposal and the like?

11:10AM 10 PROSPECTIVE JUROR NO. 6: Well, no, not really.  
11 What I can tell you is that oftentimes we do have to appraise  
12 properties that were contaminated by -- in soil contamination.  
13 I'm aware of such things. I never personally was involved in a  
14 complete appraisal of a property that had soil contamination.

11:11AM 15 THE COURT: And am I making the right connection,  
16 that if there is soil contamination associated with the  
17 property, the owner might say, look, the value of this property  
18 is diminished as a result and so we want a reappraisal or  
19 something along those lines?

11:11AM 20 PROSPECTIVE JUROR NO. 6: That is exactly right.

21 THE COURT: All right. And you yourself, though,  
22 have never gone out to a home or a facility to see the extent  
23 to which the contamination might decrease the value of the  
24 property?

11:11AM 25 PROSPECTIVE JUROR NO. 6: No.

1 THE COURT: You have not?

2 PROSPECTIVE JUROR NO. 6: Not.

3 THE COURT: Okay. Have you ever done appraisals  
4 in the Santa Clarita Valley?

11:11AM 5 PROSPECTIVE JUROR NO. 6: No.

6 THE COURT: And your spouse is a recruiter?

7 PROSPECTIVE JUROR NO. 6: Right. For the  
8 Wells Fargo Bank.

9 THE COURT: And what type of recruiting?

11:11AM 10 PROSPECTIVE JUROR NO. 6: She recruits tellers.

11 THE COURT: I see.

12 And has your wife done that type of work  
13 throughout her professional career?

14 PROSPECTIVE JUROR NO. 6: Yes.

11:12AM 15 THE COURT: And your children are students and  
16 not of working age?

17 PROSPECTIVE JUROR NO. 6: Well, yes, they are of  
18 working age.

19 THE COURT: So that's a stupid question.

11:12AM 20 PROSPECTIVE JUROR NO. 6: No. It wasn't stupid.

21 THE COURT: Well, it certainly -- it certainly  
22 had an assumption attached to it.

23 PROSPECTIVE JUROR NO. 6: Yeah. They are  
24 college -- my oldest is working on trying to get a graduate --  
11:12AM 25 a doctorate, and my youngest -- well, he's still working on

1 trying to get his bachelor's.

2 THE COURT: And what type of doctorate is --

3 PROSPECTIVE JUROR NO. 6: Well, it's kind of hard  
4 to explain because I'm not fully understanding it myself. But  
11:12AM 5 it's actually -- his two backgrounds is history and medicine.  
6 And so basically what he's doing -- what he's trying to do is,  
7 you know, history of medicine, so to speak.

8 THE COURT: I understand.

9 And the one that's pursuing a bachelor's degree,  
11:13AM 10 what is that child -- not sure yet?

11 PROSPECTIVE JUROR NO. 6: Not sure yet. Yeah,  
12 exactly.

13 THE COURT: Fair enough.

14 Your two criminal cases, you served as a  
11:13AM 15 deliberating juror in both of those cases?

16 PROSPECTIVE JUROR NO. 6: I was on the jury, yes.

17 THE COURT: Deliberating?

18 PROSPECTIVE JUROR NO. 6: Yes.

19 THE COURT: I'm trying to distinguish alternates  
11:13AM 20 versus --

21 PROSPECTIVE JUROR NO. 6: Right. Right.

22 THE COURT: You were not an alternate?

23 PROSPECTIVE JUROR NO. 6: I was not an alternate.

24 THE COURT: You heard the Court go through the  
11:13AM 25 distinctions between criminal and civil, especially with the

1     burden of proof.

2                     PROSPECTIVE JUROR NO. 6:   Yes.

3                     THE COURT:   Is that going to present a problem  
4     for you if you were selected in this case?

11:13AM   5                     PROSPECTIVE JUROR NO. 6:   No.

6                     THE COURT:   Now, I do see that you lived in an  
7     area where there was a landfill and you were concerned about  
8     the contaminated groundwater.   Maybe you can tell me a little  
9     bit more about your concerns.

11:13AM   10                    PROSPECTIVE JUROR NO. 6:   Well, I've lived in  
11     West Covina -- the West Covina area for a good 25, 30 years.   I  
12     have always known about the dump that's located there in  
13     West Covina.

14                    But it wasn't until I was a little older that  
11:14AM   15     there was a lot of -- there was a -- the landfill was in the  
16     news a lot for possible -- well, they had taken on very  
17     dangerous chemicals that they were keeping there at the  
18     property and in the landfill.   So there was a lot of concern.

19                    And it's been a long time now, so I'm beginning  
11:14AM   20     to forget all the facts.   But, you know, the -- I always was  
21     concerned about contamination into the ground -- into the  
22     groundwater.   The house that I bought in West Covina, we had a  
23     grapefruit tree.   And I never trusted the grapefruits.

24                    THE COURT:   I see.

11:15AM   25                    And when did you last live in West Covina?

1 PROSPECTIVE JUROR NO. 6: We moved out in 2006.

2 THE COURT: And besides not using or having the  
3 grapefruits on the grapefruit tree, did you take any other  
4 action in your sort of day-to-day living as a result of --

11:15AM 5 PROSPECTIVE JUROR NO. 6: No. Not really, no.

6 THE COURT: How about water? Did you drink tap  
7 water?

8 PROSPECTIVE JUROR NO. 6: Well, a little bit.  
9 Mostly we -- it was bottled water.

11:15AM 10 THE COURT: All right. And in this case, you  
11 heard basically what the parties' positions are. And if you  
12 were selected in this case, you'd have to decide, as I have  
13 been saying repeatedly, based upon the facts and the evidence  
14 in this case.

11:15AM 15 PROSPECTIVE JUROR NO. 6: Right.

16 THE COURT: Could you do that?

17 PROSPECTIVE JUROR NO. 6: Yes, of course.

18 THE COURT: Is there any concern that you would  
19 have, sir, about -- given your concern, that you're going to  
11:16AM 20 let that influence your decision in this case?

21 PROSPECTIVE JUROR NO. 6: Well, you know, there's  
22 a saying that we fear that which we do not understand. So the  
23 whole point of this court is to explain, and then you listen to  
24 what everybody is explaining. And now you fear less or you  
11:16AM 25 understand more.

1 THE COURT: And so I'm interpreting that --  
2 again, this would be an example where if I'm putting words in  
3 your mouth that don't belong there, you let me know.

4 PROSPECTIVE JUROR NO. 6: Sure will.

11:16AM 5 THE COURT: What I hear you to be saying is that,  
6 you know, you don't know the facts of this case.

7 PROSPECTIVE JUROR NO. 6: Right.

8 THE COURT: So you don't come into this case with  
9 a pre-judging mentality --

11:16AM 10 PROSPECTIVE JUROR NO. 6: Right.

11 THE COURT: -- but, rather, will wait to see the  
12 facts, and then you will decide the case on the facts.

13 PROSPECTIVE JUROR NO. 6: Correct.

14 THE COURT: Is that a fair interpretation?

11:16AM 15 PROSPECTIVE JUROR NO. 6: Yes, it is.

16 THE COURT: You're capable and will put to the  
17 side the concern that you had in West Covina, knowing that it  
18 has no relevance to this case? Can you do that?

19 PROSPECTIVE JUROR NO. 6: Yes, I can.

11:17AM 20 THE COURT: Any changes that you would make to  
21 the questionnaire responses, sir?

22 PROSPECTIVE JUROR NO. 6: The only change I would  
23 like is that my kids have jobs, sure.

24 THE COURT: All right. There's only so much I  
11:17AM 25 can do.

1 Have a seat, please.

2 PROSPECTIVE JUROR NO. 6: Thank you.

3 THE COURT: No. 7.

4 PROSPECTIVE JUROR NO. 7: Good morning.

11:17AM 5 THE COURT: Good morning, sir.

6 And so tell me what you do as a tutor.

7 PROSPECTIVE JUROR NO. 7: Basically, I'm hired by

8 a company and then the company sends me students. Some are

9 college students, high school students. I pretty much teach

11:17AM 10 calculus, physics, computer science.

11 THE COURT: Calculus, physics, and computer  
12 science?

13 PROSPECTIVE JUROR NO. 7: Yes.

14 THE COURT: And tell me -- and if you wouldn't  
11:17AM 15 mind just moving a little bit up to the microphone. Maybe what  
16 we can do is actually --

17 Victor, can I have you just move that a little  
18 closer, please. All right. That's fine. Thank you.

19 So tell me, what is your background that enables  
11:17AM 20 you to tutor these incredible subjects?

21 PROSPECTIVE JUROR NO. 7: I was a math Olympian.  
22 I went to UCLA. I'm about to finish my degree in applied  
23 mathematics.

24 THE COURT: Applied mathematics?

11:18AM 25 PROSPECTIVE JUROR NO. 7: Yes.



1 THE COURT: What do you hope to do with applied  
2 mathematics?

3 PROSPECTIVE JUROR NO. 7: Become a teacher.

4 THE COURT: So you enjoy the tutoring?

11:18AM 5 PROSPECTIVE JUROR NO. 7: Exactly.

6 THE COURT: You are fully proficient in all of  
7 these subject matters you have identified?

8 PROSPECTIVE JUROR NO. 7: Yes. Exactly.

9 THE COURT: If you were involved in this case,  
11:18AM 10 you have heard as a juror -- as I mentioned, you will have some  
11 knowledge where things might come to you more readily, given  
12 your background, which is perfectly fine. But do you also  
13 understand the distinction of being an expert and being a  
14 juror?

11:18AM 15 PROSPECTIVE JUROR NO. 7: Exactly, yeah.

16 THE COURT: You do understand the difference?

17 PROSPECTIVE JUROR NO. 7: Yes.

18 THE COURT: Do you have any concerns about your  
19 ability to sort of respect the -- that line? I'm not asking  
11:18AM 20 you to say that you won't contribute in the deliberation  
21 process. And I realize that the line sometimes may not be  
22 always perfectly clear. But it's important, ultimately, that  
23 this case get decided on the facts presented.

24 So when you hear experts, you will have to listen  
11:19AM 25 to them and decide what makes sense to you, using your common

1 sense and your knowledge. But ultimately, you have to decide  
2 the case based upon the facts presented here.

3 Is that something you can do?

4 PROSPECTIVE JUROR NO. 7: Yes.

11:19AM

5 THE COURT: Is that a "yes"?

6 PROSPECTIVE JUROR NO. 7: Yes. Yes. Yes.

7 THE COURT: All right. Have you had any  
8 background and training in groundwater, any of the issues that  
9 you can think about that might arise from a case of this type?

11:19AM

10 Do you have any particular special training?

11 PROSPECTIVE JUROR NO. 7: Nope.

12 THE COURT: And you say that -- is it your spouse  
13 or your partner who is an --

14 PROSPECTIVE JUROR NO. 7: Spouse.

11:19AM

15 THE COURT: And what does your spouse do as an  
16 assistant manager?

17 PROSPECTIVE JUROR NO. 7: She helps the manager.  
18 That's pretty much it.

19 THE COURT: All right. Well, that much I  
20 think -- I probably could have discerned.

11:19AM

21 What type of managerial work?

22 PROSPECTIVE JUROR NO. 7: It's in the clothing  
23 industry. So I really don't know what she does.

24 THE COURT: That's okay.

11:20AM

25 What type of industry?

1 PROSPECTIVE JUROR NO. 7: Clothing.

2 THE COURT: Clothing industry. All right.

3 And how long has she worked as an assistant  
4 manager?

11:20AM 5 PROSPECTIVE JUROR NO. 7: Probably for, like,  
6 12 years.

7 THE COURT: All right. And your children, are  
8 they -- do they -- have they ever worked?

9 PROSPECTIVE JUROR NO. 7: No. No.

11:20AM 10 THE COURT: They're young students?

11 PROSPECTIVE JUROR NO. 7: Yeah.

12 THE COURT: How old is your son and daughter?

13 PROSPECTIVE JUROR NO. 7: 6 and 8.

14 THE COURT: Very young. Okay.

11:20AM 15 And you do have concerns about plastic in the  
16 water. Tell me a little bit about that.

17 PROSPECTIVE JUROR NO. 7: Examples right there.

18 Like most water is bottled. I mean, there's, like, tears in  
19 plastic, fall into the water. Billions of -- there are

11:20AM 20 billions of, you know, plastic bottles in the ocean. I mean,  
21 it's very concerning.

22 THE COURT: So let me make sure that I have  
23 broken that down because I heard two things.

24 PROSPECTIVE JUROR NO. 7: Exactly.

11:21AM 25 THE COURT: One concern is actually ingesting or

1 drinking water out of a bottle that is plastic. And if the  
2 plastic somehow manages to get into or some of its chemicals  
3 get into that water, you are ingesting those chemicals when you  
4 are drinking the water. That's one concern you have.

11:21AM

5 PROSPECTIVE JUROR NO. 7: (Inaudible.)

6 THE COURT: Do you drink bottled water?

7 PROSPECTIVE JUROR NO. 7: Sometimes, but I try to  
8 avoid it.

11:21AM

9 THE COURT: How about your spouse, your wife and  
10 your children?

11 PROSPECTIVE JUROR NO. 7: Try to avoid bottled  
12 water.

13 THE COURT: Do you generally drink tap water?

14 PROSPECTIVE JUROR NO. 7: No. We filter it.

11:21AM

15 THE COURT: Filter it.

16 PROSPECTIVE JUROR NO. 7: Yes.

17 THE COURT: And the second, I think, concern you  
18 identified is sort of the physical problem with plastic, which  
19 I think most people are aware of, and where it ends up. And  
20 that is a separate concern that you have.

11:21AM

21 PROSPECTIVE JUROR NO. 7: Exactly.

22 THE COURT: Other than that, are there any  
23 concerns that you have with respect to drinking water?

24 PROSPECTIVE JUROR NO. 7: No.

11:22AM

25 THE COURT: And is that concern something that

1 you think will matter in connection with your ability to serve  
2 as a fair and impartial juror in this case?

3 PROSPECTIVE JUROR NO. 7: No.

4 THE COURT: So it's just simply a personal  
11:22AM 5 concern that you have -- I don't mean to diminish it -- but not  
6 something that you feel strongly about that it's going to  
7 affect your ability to listen to the evidence and decide this  
8 case. Am I correct?

9 PROSPECTIVE JUROR NO. 7: Yes.

11:22AM 10 THE COURT: All right. Any changes you would  
11 make to your response?

12 PROSPECTIVE JUROR NO. 7: No.

13 THE COURT: Thank you so much. Kindly take a  
14 seat.

11:22AM 15 And let's have No. 8, please. Yes, if you would  
16 please take to the mic over there. Thank you so much.

17 PROSPECTIVE JUROR NO. 8: Morning.

18 THE COURT: Good morning, sir.

19 And you are a CPA?

11:22AM 20 PROSPECTIVE JUROR NO. 8: That is correct.

21 THE COURT: And do you work for an accounting  
22 firm?

23 PROSPECTIVE JUROR NO. 8: Yes. Public accounting  
24 firm in West L.A.

11:22AM 25 THE COURT: How large of a public accounting

1 firm?

2 PROSPECTIVE JUROR NO. 8: We're growing pretty  
3 fast. Probably we're up to 600 professionals.

11:23AM

4 THE COURT: And do you do auditing work? What  
5 type of work do you do?

6 PROSPECTIVE JUROR NO. 8: Tax.

7 THE COURT: So you focus on the tax work for the  
8 clients of the company for which you work?

9 PROSPECTIVE JUROR NO. 8: Correct.

11:23AM

10 THE COURT: Do you do any type of tax work for  
11 any environmental companies?

12 PROSPECTIVE JUROR NO. 8: Not that I recall, no.

13 THE COURT: How about public agencies? They  
14 don't turn to you, or do they?

11:23AM

15 PROSPECTIVE JUROR NO. 8: No. I don't think we  
16 have any of those.

17 THE COURT: All right. And how long have you  
18 worked for this company in West Los Angeles?

19 PROSPECTIVE JUROR NO. 8: Since graduating, so  
20 about two years now.

11:23AM

21 THE COURT: And prior to that, had you done any  
22 other type of work?

23 PROSPECTIVE JUROR NO. 8: Yeah. So I actually  
24 wanted to add something. I can't believe I forgot this.

11:23AM

25 My very first job, I was an intern for a

1 nonprofit that advocated Bottle Bills, so increased recycling  
2 in the United States.

3 THE COURT: All right. So the focus of this  
4 nonprofit was on, you said, bottling?

11:24AM 5 PROSPECTIVE JUROR NO. 8: Yeah. So Bottle Bills,  
6 like when you could return bottles for a nickel or a dime.

7 THE COURT: All right. And the organization was  
8 promoting that for purposes of incentivizing people to return  
9 their bottles and the like for an environmental purpose.

11:24AM 10 PROSPECTIVE JUROR NO. 8: Yep. That is correct,  
11 yeah, for recycling.

12 THE COURT: Got it.

13 And how long did you say you served as an intern?

14 PROSPECTIVE JUROR NO. 8: I was part-time, about  
11:24AM 15 two-and-a-half years.

16 THE COURT: And what did you do as an intern for  
17 them?

18 PROSPECTIVE JUROR NO. 8: Pretty, you know, first  
19 time -- first-time job duties. A lot of administrative work,  
11:24AM 20 filing, proofreading reports, being a proctor for webinars,  
21 pretty simple stuff.

22 THE COURT: It appears to me that that is an  
23 interest that you have had for quite a while, and I see that  
24 you have participated in various cleanups for beach  
11:25AM 25 beautification and done other type of volunteer work, as I

1 understand it, for environmental improvement. Is that right?

2 PROSPECTIVE JUROR NO. 8: Yeah. Correct.

3 THE COURT: And what sort of has triggered that  
4 interest? Is there any particular trigger, reason you have  
11:25AM 5 that particular interest?

6 PROSPECTIVE JUROR NO. 8: I have always -- you  
7 know, I grew up loving the outdoors. So kind of just grew out  
8 of, you know, making an impact for, you know, environmental  
9 causes.

11:25AM 10 THE COURT: Understood.

11 And you do have a view that you have expressed  
12 about drinking water and standards for drinking water. And you  
13 believe that there is a dichotomy, as I understand it, a  
14 difference in certain states and the political proclivities and  
11:25AM 15 whether they are more or less protective of water quality?

16 PROSPECTIVE JUROR NO. 8: Yeah. Correct.

17 THE COURT: In your view, is California  
18 particularly protective?

19 PROSPECTIVE JUROR NO. 8: California, yes. Yeah.

11:26AM 20 THE COURT: And there are other states -- and you  
21 just worry about them even though you don't live there because  
22 you want people to have clean and good drinking water.

23 PROSPECTIVE JUROR NO. 8: Correct.

24 THE COURT: All right. Do you have any concerns  
11:26AM 25 at all about the standards set in California?



1 PROSPECTIVE JUROR NO. 8: Nope.

2 THE COURT: And you understand, as I have been  
3 explaining, that -- what your job would be if you were selected  
4 as a juror in this case?

11:26AM 5 PROSPECTIVE JUROR NO. 8: Yes.

6 THE COURT: Could you do the job?

7 PROSPECTIVE JUROR NO. 8: Yes.

8 THE COURT: Is there a concern that anyone should  
9 have that, even though you're telling us that you can do it

11:26AM 10 that given that you have concerns about the environment, that  
11 you're going to necessarily lean in one direction or another?

12 PROSPECTIVE JUROR NO. 8: No. I don't think I  
13 would -- it would impact my ability.

14 THE COURT: All right. And so you heard the  
11:26AM 15 prospective juror -- I think it was No. 6 -- who mentioned,  
16 look, I'm not going to prejudge something. I may have some  
17 experiences and the like, but I understand the key part of  
18 being a fair and impartial juror is that I need to know what  
19 the facts and the law are before I can make a decision, just  
11:27AM 20 like you'd want a judge before the judge makes the decision to  
21 be informed and not prejudge something.

22 Do you believe that you're in a position to do  
23 the same thing and serve as a juror, not prejudging this case?

24 PROSPECTIVE JUROR NO. 8: I can.

11:27AM 25 THE COURT: You can do so?

1 PROSPECTIVE JUROR NO. 8: Uh-huh.

2 THE COURT: And you're -- is it your spouse who  
3 is a Ph.D. student?

4 PROSPECTIVE JUROR NO. 8: My partner.

11:27AM 5 THE COURT: Your partner.

6 What is your partner seeking to do? I see that  
7 it's -- your partner is looking to get a Ph.D. in immunology.  
8 Towards what end?

9 PROSPECTIVE JUROR NO. 8: Immunology. So she  
11:27AM 10 studies kind of cellular responses to the flu.

11 THE COURT: All right. And so the specific focus  
12 is on the flu?

13 PROSPECTIVE JUROR NO. 8: Yes.

14 THE COURT: Not on COVID?

11:27AM 15 PROSPECTIVE JUROR NO. 8: Nope.

16 THE COURT: All right. And I also see that you  
17 served on a criminal case. About how long ago?

18 PROSPECTIVE JUROR NO. 8: Four years ago.

19 THE COURT: And this was in state court?

11:28AM 20 PROSPECTIVE JUROR NO. 8: This was superior court  
21 in San Diego County.

22 THE COURT: Were you an alternate or deliberating  
23 juror?

24 PROSPECTIVE JUROR NO. 8: I was deliberating.

11:28AM 25 THE COURT: And the jury was not able to reach a

1 unanimous verdict in that case?

2 PROSPECTIVE JUROR NO. 8: Correct.

3 THE COURT: And so there was a deadlock and  
4 mistrial declared at the end of it.

11:28AM 5 PROSPECTIVE JUROR NO. 8: Yep.

6 THE COURT: Did you think the process worked  
7 properly in that case?

8 PROSPECTIVE JUROR NO. 8: Yeah. Yeah.

9 THE COURT: Do you have any concerns about the  
11:28AM 10 process, the integrity of the process that you participated in?

11 PROSPECTIVE JUROR NO. 8: Nope.

12 THE COURT: So this was just a case where  
13 everyone was committed to performing their job, they were  
14 committed to trying to fairly understand the facts but people  
11:28AM 15 had a different view of it, everyone was committed to applying  
16 the law, not just disregarding it, but they did their job. But  
17 reasonably, after deliberating, they were not able to come  
18 together unanimously as required in a criminal case.

19 PROSPECTIVE JUROR NO. 8: Yep. That is correct.

11:29AM 20 THE COURT: All right. And if you could serve in  
21 this case, would you have any difficulty distinguishing between  
22 the criminal rules and the civil rules, do you think?

23 PROSPECTIVE JUROR NO. 8: Nope.

24 THE COURT: I thank you so much, sir. Take a  
11:29AM 25 seat.

1 PROSPECTIVE JUROR NO. 8: Thank you.

2 THE COURT: Let's have No. 9 come on up.

3 Good morning, Prospective Juror No. 9.

4 PROSPECTIVE JUROR NO. 9: Good morning.

11:29AM 5 THE COURT: And so you are a digital experience  
6 specialist. I'm going to need a little help on what that  
7 means.

8 PROSPECTIVE JUROR NO. 9: So I work for an  
9 organic mattress company, and I basically work through the  
11:29AM 10 website to communicate with guests, via also Zoom. I do Zoom  
11 virtual experiences as well. So I mainly keep an eye out on  
12 the chat and e-mail queues. And then I also occasionally work  
13 in our retail center.

14 THE COURT: All right. And how long have you  
11:29AM 15 done this type of work?

16 PROSPECTIVE JUROR NO. 9: It's been about four  
17 months.

18 THE COURT: And prior to that, what type of work  
19 did you do?

11:29AM 20 PROSPECTIVE JUROR NO. 9: Prior to that, I worked  
21 as a special education instructor. I was, like, an assistant  
22 for a special education teacher, mainly in the RSP vector or  
23 sector.

24 THE COURT: And how long did you do that type of  
11:30AM 25 work?

1 PROSPECTIVE JUROR NO. 9: I did it for about two  
2 years.

3 THE COURT: And before that, were you in school  
4 or --

11:30AM 5 PROSPECTIVE JUROR NO. 9: Before that, I was  
6 actually working at a shelter for pregnant parenting teens in  
7 Santa Ana.

8 THE COURT: And what were you doing for that?

9 PROSPECTIVE JUROR NO. 9: I was working as an  
11:30AM 10 overnight youth coach is what they called it. But really, it  
11 was mainly to be the extra hands for the new teen moms. And if  
12 they needed help with their babies, that's what we were kind of  
13 there for. Also, to pick them up if they decided to run away  
14 in the middle of the night.

11:30AM 15 THE COURT: All right. All right. How about  
16 prior to that? Were you working as well?

17 PROSPECTIVE JUROR NO. 9: Prior to that, I was  
18 actually in college.

19 THE COURT: With regard to the current work that  
11:30AM 20 you do, I see that there are environmental issues that arise  
21 from time to time and you have some involvement in that. Could  
22 you just spell that out a little bit for us, please?

23 PROSPECTIVE JUROR NO. 9: Yes. So basically for  
24 this brand that I work for, it's called Avocado Green Brands.  
11:31AM 25 We aim to provide organic mattresses so that there are zero

1 VOCs in the indoor air quality and it improves the indoor air  
2 quality. We use natural latex, so we don't use memory foam  
3 which tends to pollute everybody's indoor air and not a lot of  
4 people know that. So that is mainly what we do.

11:31AM 5 We also provide furniture as well. We sell  
6 furniture that is zero VOC as well. So when I saw VOC, I was,  
7 like, I know what that is.

8 THE COURT: What kind of VOCs are of concern in  
9 the business that you work?

11:31AM 10 PROSPECTIVE JUROR NO. 9: So we mainly just think  
11 about what we are putting into the material. So we don't treat  
12 it with any synthetics or any unnatural compounds. So we  
13 mainly just -- when we make our latex, we mix it with salt and  
14 zinc and then we steam bake it. And then when we get our wool,  
11:32AM 15 we strip it of the lanolin and we water steam treat it.

16 THE COURT: During the course of the work that  
17 you do, do you have any need to know what the specific VOCs  
18 are, what particular chemicals or do you just generally know  
19 about VOCs?

11:32AM 20 PROSPECTIVE JUROR NO. 9: We generally know about  
21 them. We have a lot of information at our disposal. So if we  
22 do get one of those tricky guests that knows every single thing  
23 under the sun, we're able to kind of provide a little bit more  
24 information. But we just know it in a general sense.

11:32AM 25 THE COURT: Do you have any particular training

1 or experience with regard to the VOC issues that arise or any  
2 other environmental issues that arise at your company?

3 PROSPECTIVE JUROR NO. 9: No. Not really.

4 THE COURT: How large is the company you work  
11:32AM 5 for?

6 PROSPECTIVE JUROR NO. 9: It has about anywhere  
7 from 500 to 1,000 employees, I believe.

8 THE COURT: And are there people within the  
9 company who do have specialized knowledge about these

11:33AM 10 environmental issues?

11 PROSPECTIVE JUROR NO. 9: I believe that our  
12 marketing people tend to have a little bit more knowledge as  
13 far as these issues.

14 THE COURT: And so when questions arise that are  
11:33AM 15 presented to you, do you tend to refer or do you answer them or  
16 a little bit of both?

17 PROSPECTIVE JUROR NO. 9: Sometimes I refer to  
18 the marketing team, but we also have somebody who is our  
19 product specialist. So sometimes I also refer to her as well  
11:33AM 20 because she does have a little bit more information and she's  
21 also a little bit faster to get a response from.

22 THE COURT: And maybe you could just -- I think  
23 you've touched upon this but just so that I have a full  
24 picture. So tell me just a little bit more about what you  
11:33AM 25 specifically do where you yourself deal with environmental

1 issues at this company.

2 PROSPECTIVE JUROR NO. 9: So specifically what we  
3 do is --

4 THE COURT: Not -- forgive the --

11:33AM 5 PROSPECTIVE JUROR NO. 9: What I do --

6 THE COURT: Yes.

7 PROSPECTIVE JUROR NO. 9: What I do specifically

8 is I meet with guests. I talk about our mattresses or our

9 furniture, whichever they are interested in. I go over all of

11:34AM 10 the certifications that entail -- or that come with our

11 furniture, mattresses, or any of our other products. And then

12 what I do is that I always reassure them.

13 When they do decide they don't like the mattress

14 for whatever reason, we also tie that into the fact that we

11:34AM 15 donate their mattress instead of having them return it to us so

16 that we know it's going to a nonprofit in their area and that

17 it's not going to the planet's landfills.

18 THE COURT: Does the company, to your knowledge,

19 have any type of environmental compliance unit?

11:34AM 20 PROSPECTIVE JUROR NO. 9: Not to my knowledge.

21 THE COURT: Are you aware of any environmental

22 violations or things of that sort that have occurred at this

23 company?

24 PROSPECTIVE JUROR NO. 9: Not to my knowledge.

11:34AM 25 THE COURT: And so you have heard me say many



1 times that it's great to have these experiences but ultimately  
2 as a juror you have a particular job. Could you do this  
3 particular job?

4 PROSPECTIVE JUROR NO. 9: Yes.

11:35AM

5 THE COURT: Is there any concern about your  
6 ability to do the job in light of the work that you have done,  
7 hearing about VOCs and the like? And what I mean by that is  
8 any concern that, given your experiences, that you really can't  
9 decide this case on the facts and the law presented?

11:35AM

10 PROSPECTIVE JUROR NO. 9: I believe I can be  
11 neutral and unbiased.

12 THE COURT: All right. And you did serve on a  
13 criminal case?

11:35AM

14 PROSPECTIVE JUROR NO. 9: I believe it was  
15 criminal. It was kind of hard to tell based upon what was on  
16 the screen. If you want, I can tell you and maybe you can tell  
17 me if it was civil or criminal.

18 THE COURT: Sure.

11:35AM

19 PROSPECTIVE JUROR NO. 9: It was a hit-and-run  
20 driver by CalTrans -- or hit-and-run death of a CalTrans  
21 worker.

22 THE COURT: Unfortunately, I really can't tell  
23 you for sure because it could have been a criminal case if the  
24 person was being tried for hit-and-run, but it also could have  
25 been a civil case arising out of the hit-and-run.

11:35AM

1 PROSPECTIVE JUROR NO. 9: Yes. It was at  
2 Stanley Mosk.

3 THE COURT: It was a civil case.

4 PROSPECTIVE JUROR NO. 9: Yeah. Perfect. It was  
11:36AM 5 a civil case. So let's just change that.

6 THE COURT: It was a civil case.

7 And you did deliberate, and there was a verdict  
8 in the case?

9 PROSPECTIVE JUROR NO. 9: I was actually an  
11:36AM 10 alternate. So when we returned from Veterans Day, the lawyers  
11 had come to an agreement.

12 THE COURT: I see.

13 So you were not ultimately in a position where  
14 you decided liability and damages.

11:36AM 15 PROSPECTIVE JUROR NO. 9: Exactly.

16 THE COURT: Got you.

17 Any changes you would make to your questionnaire  
18 response?

19 PROSPECTIVE JUROR NO. 9: No. Just that one.

11:36AM 20 THE COURT: Thank you so much. Please take a  
21 seat.

22 Let's have No. 10.

23 PROSPECTIVE JUROR NO. 10: Good morning.

24 THE COURT: Good morning.

11:36AM 25 You are a cook?

1 PROSPECTIVE JUROR NO. 10: Yes, sir.

2 THE COURT: And how long have you been doing that  
3 kind of work?

4 PROSPECTIVE JUROR NO. 10: Ten years.

11:36AM 5 THE COURT: Same company or different companies?

6 PROSPECTIVE JUROR NO. 10: Different companies.

7 THE COURT: All right. Just give us a little  
8 sense of your work history.

9 PROSPECTIVE JUROR NO. 10: As far as the  
11:36AM 10 companies or --

11 THE COURT: Yeah. Just -- for example, just the  
12 type of cook that you are, the different types of restaurants,  
13 if you worked at restaurants, just to give us a sense.

14 PROSPECTIVE JUROR NO. 10: I have done fine  
11:37AM 15 dining, production, and catering. And those jobs usually  
16 prepping, cooking obviously, and handling chemicals when  
17 cleaning and sanitizing.

18 THE COURT: And with regard to the various jobs  
19 that you've worked, it sounds like you generally have not  
11:37AM 20 worked, if I'm understanding this correctly, in restaurants.  
21 You have worked in catering and those types of jobs, or is it  
22 both?

23 PROSPECTIVE JUROR NO. 10: Fine dining -- few  
24 restaurants of fine dining.

11:37AM 25 THE COURT: All right. And you say you're

1 involved in the cleanup, of course, of the food.

2 PROSPECTIVE JUROR NO. 10: Yes.

3 THE COURT: And you use whatever products that  
4 you're provided with, presumably.

11:37AM 5 PROSPECTIVE JUROR NO. 10: Yeah. And cleaning  
6 surfaces; i.e., fryers, grills, and flattops.

7 THE COURT: And is there or has there been a  
8 certain protocol or procedure for how you dispose of whatever  
9 chemicals that you're using?

11:38AM 10 PROSPECTIVE JUROR NO. 10: Yes, sir.

11 THE COURT: And just give us a sense of the kinds  
12 of procedures that we're talking about.

13 PROSPECTIVE JUROR NO. 10: So when the -- we  
14 clean the flattop, we use a degreaser which is a chemical we  
11:38AM 15 have to wash off. And then we have to throw away the chemicals  
16 in a special -- it's an oil -- we separate the oil and the  
17 chemicals from one another.

18 THE COURT: And is there a procedure that you're  
19 required to follow in terms of where ultimately the waste  
11:38AM 20 product is going to go?

21 PROSPECTIVE JUROR NO. 10: Yes, sir.

22 THE COURT: And so just tell me a little bit more  
23 about that.

24 PROSPECTIVE JUROR NO. 10: Anytime we throw away  
11:38AM 25 chemicals, there is a -- I guess a certain receptacle --

1 receptacle that we throw away the stuff.

2 THE COURT: All right. So there's certain  
3 receptacles that are specifically designated for specific type  
4 of waste.

11:39AM 5 PROSPECTIVE JUROR NO. 10: Yes, sir.

6 THE COURT: And you use that. And do you have  
7 any idea what happens to it once you place it in there?

8 PROSPECTIVE JUROR NO. 10: No, sir.

9 THE COURT: All right. And have there ever been  
11:39AM 10 any issues with regard to waste disposal practices at any of  
11 the places where you worked?

12 PROSPECTIVE JUROR NO. 10: No, sir.

13 THE COURT: Any changes that you would make to  
14 your questionnaire response?

11:39AM 15 PROSPECTIVE JUROR NO. 10: No.

16 THE COURT: If you were selected in this case, as  
17 you've heard more times than you perhaps care to, you would  
18 have to decide the case on the facts and law presented here.  
19 Can you do that?

11:39AM 20 PROSPECTIVE JUROR NO. 10: Yes, sir.

21 THE COURT: Thanks a lot. Take a seat.

22 And let's have No. 11, please.

23 Good morning, sir.

24 PROSPECTIVE JUROR NO. 11: Good morning.

11:39AM 25 THE COURT: Tell me what you do in distribution.

1 PROSPECTIVE JUROR NO. 11: I work with the  
2 system. And whatever the companies order, I send it out to  
3 them.

11:40AM

4 THE COURT: All right. You said you work in the  
5 system?

6 PROSPECTIVE JUROR NO. 11: I work with the  
7 system. And the system, whatever the companies order, I send  
8 it out.

11:40AM

9 THE COURT: All right. And what type of  
10 systems -- I'm not really following.

11 PROSPECTIVE JUROR NO. 11: It's like a system I  
12 work with. I don't work for the person. And whatever the  
13 companies order, it's in the system. And that's how I send out  
14 whatever they need.

11:40AM

15 THE COURT: Okay. And give me an example of the  
16 types of things that you're sending out or distributing.

17 PROSPECTIVE JUROR NO. 11: Anything -- I work for  
18 market headquarters. And whatever the markets order, that's  
19 what I send out.

11:40AM

20 THE COURT: What type of markets?

21 PROSPECTIVE JUROR NO. 11: Anything. It could be  
22 from wine, even from meats, any household items, edible,  
23 anything like that.

11:40AM

24 THE COURT: So this is generally within the food  
25 market and beverage market business?

1 PROSPECTIVE JUROR NO. 11: Yes. Them and also  
2 with dairy and meat.

3 THE COURT: All right. And do you work for a  
4 company that's like an online company that distributes the  
11:41AM 5 products? Or tell me a little bit more.

6 PROSPECTIVE JUROR NO. 11: No. It's Gelson's.

7 THE COURT: Oh, it's Gelson's.

8 PROSPECTIVE JUROR NO. 11: Yes.

9 THE COURT: That makes it easier.

11:41AM 10 So when you say you work in the system, are you  
11 involved sort of in making sure that the Gelson's Markets have  
12 what they need?

13 PROSPECTIVE JUROR NO. 11: Yes. Exactly.

14 THE COURT: So you're not providing or  
11:41AM 15 distributing to customers.

16 PROSPECTIVE JUROR NO. 11: No.

17 THE COURT: You work within the store itself --

18 PROSPECTIVE JUROR NO. 11: Yes.

19 THE COURT: -- and make sure the stores are  
11:41AM 20 properly stocked.

21 PROSPECTIVE JUROR NO. 11: Yes.

22 THE COURT: All right. But on the system end,  
23 meaning you get computer information from a store, a Gelson's  
24 store, downtown Los Angeles, they provide information in the  
11:41AM 25 computer system.

1 PROSPECTIVE JUROR NO. 11: Yes.

2 THE COURT: And that will, in effect, communicate  
3 to you the needs that they have for certain stock and then you  
4 are responsible for distributing that to them?

11:41AM 5 PROSPECTIVE JUROR NO. 11: Yes.

6 THE COURT: All right. Have I accurately  
7 described what it is you do?

8 PROSPECTIVE JUROR NO. 11: Distribution?

9 THE COURT: Yes.

11:41AM 10 PROSPECTIVE JUROR NO. 11: Yes.

11 THE COURT: And how long have you worked for  
12 Gelson's?

13 PROSPECTIVE JUROR NO. 11: About eight years.

14 THE COURT: And before that, what did you do?

11:42AM 15 PROSPECTIVE JUROR NO. 11: I worked for the  
16 military doing the same thing.

17 THE COURT: All right. What branch?

18 PROSPECTIVE JUROR NO. 11: It was just a company.

19 We worked for the military. We worked for like all the

11:42AM 20 commissaries for all the bases.

21 THE COURT: And how long did you work?

22 PROSPECTIVE JUROR NO. 11: I worked there about  
23 six years.

24 THE COURT: And before that, what type of work  
11:42AM 25 were you doing?



1 PROSPECTIVE JUROR NO. 11: I worked for school  
2 districts, sending out the dairy products.

3 THE COURT: In the course of your various  
4 employments, have you had any dealings with waste disposal or  
11:42AM 5 the types of issues that I have been asking about?

6 PROSPECTIVE JUROR NO. 11: No.

7 THE COURT: All right. And your spouse works  
8 inside the home. Is she ever --

9 PROSPECTIVE JUROR NO. 11: She's a homemaker.

11:42AM 10 THE COURT: Has she ever worked outside the home?

11 PROSPECTIVE JUROR NO. 11: No.

12 THE COURT: And you have no children; is that  
13 correct?

14 PROSPECTIVE JUROR NO. 11: Yes. I have a  
11:42AM 15 10-year-old, a 14-year-old, and I have a 23-year-old. And he  
16 also works, too.

17 THE COURT: And what does the 23-year-old do?

18 PROSPECTIVE JUROR NO. 11: He works for Costco.

19 THE COURT: What type of work?

11:43AM 20 PROSPECTIVE JUROR NO. 11: I'm not too sure what  
21 he does in there.

22 THE COURT: He works in --

23 PROSPECTIVE JUROR NO. 11: Yeah. Inside the  
24 store.

11:43AM 25 THE COURT: All right. Just whether it's

1 stocking or whatever it is, he's involved in working, making  
2 sure that the -- that products are in place, things of that  
3 nature?

4 PROSPECTIVE JUROR NO. 11: Yes. Yes.

11:43AM 5 THE COURT: All right.

6 PROSPECTIVE JUROR NO. 11: It's something like  
7 that.

8 THE COURT: Not on the administrative side?

9 PROSPECTIVE JUROR NO. 11: No. No.

11:43AM 10 THE COURT: Okay. And with regard to the  
11 experience you had serving as a juror on a criminal case --

12 PROSPECTIVE JUROR NO. 11: Yes.

13 THE COURT: -- do you remember about how long  
14 ago?

11:43AM 15 PROSPECTIVE JUROR NO. 11: I remember a little  
16 bit about it, but it was about ten years ago at the L.A. court.

17 THE COURT: Downtown here?

18 PROSPECTIVE JUROR NO. 11: Yeah. On  
19 Temple Street.

11:43AM 20 THE COURT: Criminal court building?

21 PROSPECTIVE JUROR NO. 11: Yes.

22 THE COURT: A verdict was reached in that case?

23 PROSPECTIVE JUROR NO. 11: Yes, it was.

24 THE COURT: Did you deliberate?

11:43AM 25 PROSPECTIVE JUROR NO. 11: Yes.

1 THE COURT: How did you find that experience?

2 PROSPECTIVE JUROR NO. 11: Interesting. Yeah.

3 THE COURT: Did you feel comfortable in your role  
4 as a juror? And here's what I mean. For most people,  
11:44AM 5 especially if they have not done it before, this is a pretty  
6 nerve-racking process. They haven't done it. You're being  
7 asked to do something significant. Don't know if you can do  
8 it.

9 Some people -- most people, in my experience,  
11:44AM 10 when they have that experience, they then become a juror, they  
11 settle in, and they tell me after the fact that I was nervous  
12 beforehand but I settled in and I felt comfortable doing the  
13 job. That's what I mean here.

14 PROSPECTIVE JUROR NO. 11: Yes.

11:44AM 15 THE COURT: Did you feel comfortable doing the  
16 job?

17 PROSPECTIVE JUROR NO. 11: Yes. I was  
18 comfortable.

19 THE COURT: If you were selected in this case, do  
11:44AM 20 you think you could do the job, knowing that it's a civil case,  
21 it's different from a criminal case?

22 PROSPECTIVE JUROR NO. 11: Yes.

23 THE COURT: And you would decide the case only on  
24 the facts and law presented here?

11:44AM 25 PROSPECTIVE JUROR NO. 11: Yes.

1 THE COURT: I thank you, sir. Kindly take a  
2 seat.

3 And let's have No. 12.

4 Good morning.

11:44AM 5 PROSPECTIVE JUROR NO. 12: Good morning.

6 THE COURT: If you wouldn't mind. Thank you so  
7 much.

8 Tell me what you do as an office supervisor.

9 Give me a little sense of the business, that type of thing,  
11:45AM 10 please.

11 PROSPECTIVE JUROR NO. 12: Yes. So I am an  
12 office supervisor for a law firm, but my actual company that I  
13 work for is like an outsource company. So we provide the  
14 service to the law firm. Essentially just running the back end  
11:45AM 15 of the office and just anything that it entails to, you know,  
16 make the office run smoother.

17 THE COURT: How many people are in the office  
18 where you work?

19 PROSPECTIVE JUROR NO. 12: It's around 100 staff  
11:45AM 20 members. My team and I is four, so four people work under me.  
21 And then I report to someone.

22 THE COURT: There are lawyers who work?

23 PROSPECTIVE JUROR NO. 12: Yes.

24 THE COURT: And approximately how many lawyers?

11:45AM 25 PROSPECTIVE JUROR NO. 12: If I'm not mistaken,

1 it was around 60. And then the rest is other staff.

2 THE COURT: And do these 60 lawyers do business  
3 where clients are coming to the firm or are they essentially  
4 being loaned out to do specific work?

11:46AM

5 PROSPECTIVE JUROR NO. 12: Yeah. So we have  
6 depos, mediations, and all of that happening at our firm. But  
7 right now, because of COVID, it hasn't been happening. A lot  
8 of things have been via Zoom. But they will come into the  
9 office. But, you know --

11:46AM

10 THE COURT: So the law firm where you work is in  
11 the business of providing legal services to clients who hire  
12 the firm and/or their lawyers?

13 PROSPECTIVE JUROR NO. 12: Yes. Uh-huh.

11:46AM

14 THE COURT: All right. And so maybe I  
15 misunderstood. I thought you suggested that perhaps you loan  
16 out -- that wasn't the word but --

17 PROSPECTIVE JUROR NO. 12: No. Yeah.

18 THE COURT: So it's a standard law firm.

19 PROSPECTIVE JUROR NO. 12: Uh-huh.

11:46AM

20 THE COURT: "Yes"?

21 PROSPECTIVE JUROR NO. 12: Yes.

22 THE COURT: All right. And what type of law does  
23 the firm do?

11:46AM

24 PROSPECTIVE JUROR NO. 12: It's like, for  
25 example, like, IP and, like, intellectual property, employment,

1 like big law and all of that stuff. Yeah.

2 THE COURT: So, first of all, civil, not  
3 criminal?

4 PROSPECTIVE JUROR NO. 12: Yeah. No civil. No  
11:47AM 5 criminal.

6 THE COURT: No. It is civil, not criminal;  
7 right?

8 PROSPECTIVE JUROR NO. 12: Yeah. So no criminal.

9 THE COURT: So intellectual property, employment.  
11:47AM 10 Any type of environmental litigation?

11 PROSPECTIVE JUROR NO. 12: Not that I'm aware of.

12 THE COURT: And your involvement is on the  
13 administrative side. You're involved in the important business  
14 of keeping the business going from the office administration  
11:47AM 15 side?

16 PROSPECTIVE JUROR NO. 12: Yes. So in a sense,  
17 anything that the secretaries might need, then they will come  
18 to the team and I. And whether the attorneys might need  
19 anything, then they will come to us, whether that be assembling  
11:47AM 20 documents and all of that sense. But like always, you know,  
21 attorney/client privilege is the same in that way. So anything  
22 that gets printed just gets seen through but nothing as in,  
23 like, where I'm actually involved with the case.

24 THE COURT: Understood.

11:47AM 25 And I may have asked you, but I don't remember

1 the answer. How long have you worked at this place?

2 PROSPECTIVE JUROR NO. 12: So I have worked at  
3 this -- with my outsource company and at the firm for two years  
4 now.

11:48AM 5 THE COURT: All right. And maybe that's where I  
6 got confused. So you work for an outsource company as well as  
7 this firm?

8 PROSPECTIVE JUROR NO. 12: So the outsource  
9 company is like what provides the service to the law firm. So  
11:48AM 10 I'm, like, hired by this company, but I work at the law firm.  
11 Does that make sense?

12 THE COURT: Tell me what you would do wearing  
13 your outsourcing company hat. So what would you do? Give me  
14 an example.

11:48AM 15 PROSPECTIVE JUROR NO. 12: Well, like the  
16 outsourcing company is -- like, for example, I applied for the  
17 position of office services. So that's, like, you know,  
18 catering and all of that. I guess they have their clients who  
19 they provide service to. And so like if the -- whatever they  
11:48AM 20 might need is whatever they hire I guess. I have only been  
21 there for two years, and I ended up there, and that's what I  
22 do.

23 THE COURT: Do you work for both?

24 PROSPECTIVE JUROR NO. 12: No. Can I say my  
11:48AM 25 company's name or no?

1 THE COURT: If you don't mind, you can.

2 PROSPECTIVE JUROR NO. 12: Yeah. So it's called  
3 like Exela Technologies, and what they basically do is they  
4 provide --

11:49AM

5 THE COURT: Exela, A-c --

6 PROSPECTIVE JUROR NO. 12: No. E-x-e-l-a. And  
7 they, like, you know, put out positions out there that their  
8 clients need to be filled whether in their offices or whatever  
9 it is -- right? -- and then that's where you come in and you  
10 kind of fill in those spots. Yeah.

11:49AM

11 THE COURT: Is there any changes that you would  
12 make to your questionnaire response?

13 PROSPECTIVE JUROR NO. 12: None at all.

14 THE COURT: If you were selected in this case, do  
15 you think you could do the job?

11:49AM

16 PROSPECTIVE JUROR NO. 12: Yeah.

17 THE COURT: Any concerns about it?

18 PROSPECTIVE JUROR NO. 12: No.

19 THE COURT: And you would not be permitted to  
20 talk about this case if you're selected, and that includes with  
21 your fellow employees and the like. So they might be  
22 interested, but you can't talk to them about it.

11:49AM

23 Do you understand that?

24 PROSPECTIVE JUROR NO. 12: Yes, I do.

11:49AM

25 THE COURT: Would you be able to follow that



1 instruction?

2 PROSPECTIVE JUROR NO. 12: Yes.

3 THE COURT: Thank you so much.

4 Let's have No. 13, please.

11:50AM 5 PROSPECTIVE JUROR NO. 13: Good morning,

6 Your Honor.

7 THE COURT: Good morning, sir. How long have you  
8 worked as an electrician?

9 PROSPECTIVE JUROR NO. 13: 33 years.

11:50AM 10 THE COURT: Worked for yourself? Worked for a  
11 company?

12 PROSPECTIVE JUROR NO. 13: Yeah. I work for  
13 Los Angeles Department of Water & Power.

14 THE COURT: And how long have you worked for  
11:50AM 15 them?

16 PROSPECTIVE JUROR NO. 13: 15 years.

17 THE COURT: And before that?

18 PROSPECTIVE JUROR NO. 13: Probably another 10  
19 with the City.

11:50AM 20 THE COURT: Have you always worked for an agency  
21 or --

22 PROSPECTIVE JUROR NO. 13: Different contractors.  
23 I was a union electrician before, so different small  
24 contractors.

11:50AM 25 THE COURT: And do you have a particular area of

1 specialty as an electrician?

2 PROSPECTIVE JUROR NO. 13: My title is actually  
3 electric mechanic supervisor, so we work inside the  
4 distribution stations and receiving stations apparently.

11:50AM 5 THE COURT: And that's what you have been doing  
6 for your current employer?

7 PROSPECTIVE JUROR NO. 13: That is correct.

8 THE COURT: And have you done that the entire  
9 15 years or however long it has been that you've been there?

11:51AM 10 PROSPECTIVE JUROR NO. 13: That is correct. I am  
11 currently assigned as a trainer.

12 THE COURT: I see. Are you involved at all in  
13 any type of environmental issues that may arise in the course  
14 of your employment?

11:51AM 15 PROSPECTIVE JUROR NO. 13: Yes. If there's  
16 a blowup, every year we get training, refresher training on how  
17 to know the difference between hazardous material, hazardous  
18 waste, and the proper procedure to clean it up if we do have a  
19 spill.

11:51AM 20 THE COURT: And I think you said blowup?

21 PROSPECTIVE JUROR NO. 13: Yes. Occasionally.

22 THE COURT: And so this is some type of  
23 malfunction that results in some type of explosion?

24 PROSPECTIVE JUROR NO. 13: Correct.

11:51AM 25 THE COURT: And emits perhaps in the process some

1 chemicals and the like that requires a cleanup?

2 PROSPECTIVE JUROR NO. 13: Correct. Usually  
3 mineral oil that may contain -- may or may not contain PCBs.

4 THE COURT: And approximately how much of the  
11:51AM 5 time that you have worked have you been involved in what I'm  
6 going to refer to, using your language, these blowups?

7 PROSPECTIVE JUROR NO. 13: At least half of it.  
8 So seven, eight years.

9 THE COURT: And approximately how much in terms  
11:52AM 10 of the amount of time? Are we talking about this is an  
11 occasional thing? This happens regularly?

12 PROSPECTIVE JUROR NO. 13: As a trainer not so  
13 much anymore because I'm not out in the field. When I was out  
14 in the field, it would have been an everyday occurrence that  
11:52AM 15 I'm working with chemicals.

16 THE COURT: And there are processes and  
17 procedures with respect to dealing with the waste material  
18 resulting from these blowups?

19 PROSPECTIVE JUROR NO. 13: Absolutely. Like  
11:52AM 20 labeling cans, barrels, and the such.

21 THE COURT: And do you have any dealings with any  
22 regulators that might be involved in the disposal during these  
23 blowups?

24 PROSPECTIVE JUROR NO. 13: No. Other than the  
11:52AM 25 inspections on occasion. If anybody -- if anything gets in the

1 stormwater drains or anything like that, we would have to be  
2 calling different agencies.

3 THE COURT: And were you familiar, prior to  
4 coming here today, with volatile organic compounds or VOCs?

11:53AM 5 PROSPECTIVE JUROR NO. 13: I'm sure it's talked  
6 about in our training, yearly training.

7 THE COURT: All right. And have you ever heard  
8 of perchlorate?

9 PROSPECTIVE JUROR NO. 13: No, sir.

11:53AM 10 THE COURT: If you were selected in this case, do  
11 you think the work that you do is going to affect your ability  
12 to just decide the case on the facts and the law presented  
13 here?

14 PROSPECTIVE JUROR NO. 13: I would be able to do  
11:53AM 15 that, Your Honor, yes.

16 THE COURT: All right. And tell me as a system  
17 analyst what your spouse does.

18 PROSPECTIVE JUROR NO. 13: She was a -- actually  
19 did a bit of the COVID because everybody was all hands on deck.  
11:53AM 20 So she did some contact tracing and did some procedural things  
21 for the County.

22 THE COURT: How long has she worked for County?

23 PROSPECTIVE JUROR NO. 13: Approximately 23  
24 years.

11:53AM 25 THE COURT: And has she done this -- not contact

1 tracing but that nature of work there, so of administrative and  
2 whatever needs to be done, you know, administratively for the  
3 County?

4 PROSPECTIVE JUROR NO. 13: That is correct.

11:54AM

5 THE COURT: And prior to contact tracing, do you  
6 recall what specifically she would do?

7 PROSPECTIVE JUROR NO. 13: She did tuberculosis  
8 control, basically also monitored people with TB.

11:54AM

9 THE COURT: And has she done any work dealing  
10 with, as far as you know, waste disposal or procedures  
11 involving waste disposal for the County?

12 PROSPECTIVE JUROR NO. 13: No, Your Honor.

13 THE COURT: All right. And when approximately  
14 did you serve on a civil jury?

11:54AM

15 PROSPECTIVE JUROR NO. 13: I would say 12 years  
16 ago.

17 THE COURT: And you deliberated in that case?

18 PROSPECTIVE JUROR NO. 13: That is correct.

19 THE COURT: Was this across the street or --

11:54AM

20 PROSPECTIVE JUROR NO. 13: At Stanley Mosk.

21 THE COURT: All right. And a verdict was  
22 reached, you said. I'm not going to ask you what the verdict  
23 was, but you were able unanimously as a jury to agree on what  
24 the verdict was, or was it not unanimous as far as you can  
11:55AM 25 recall?

1 PROSPECTIVE JUROR NO. 13: It was not unanimous.

2 THE COURT: But as I said earlier --

3 PROSPECTIVE JUROR NO. 13: I'm sorry.

4 THE COURT: That's okay. Across the street it

11:55AM 5 didn't have to be unanimous. You understand that.

6 PROSPECTIVE JUROR NO. 13: Yes.

7 THE COURT: Here it would have to be unanimous.

8 PROSPECTIVE JUROR NO. 13: Correct.

9 THE COURT: Are you okay with that?

11:55AM 10 PROSPECTIVE JUROR NO. 13: Yes.

11 THE COURT: You recall the burden of proof in  
12 that case?

13 PROSPECTIVE JUROR NO. 13: Yes.

14 THE COURT: It's a similar burden of proof here.

11:55AM 15 You could apply the proper burden of proof here?

16 PROSPECTIVE JUROR NO. 13: Yes, Your Honor.

17 THE COURT: Is there any changes you would make  
18 to your questionnaire response?

19 PROSPECTIVE JUROR NO. 13: None.

11:55AM 20 THE COURT: You could be fair and impartial in  
21 this case?

22 PROSPECTIVE JUROR NO. 13: That is correct.

23 THE COURT: I thank you very much. Please take a  
24 seat.

11:55AM 25 And let's speak to No. 14, please.

1 For those of you wondering, we're going to go a  
2 few more people, and then we will take a break for those of you  
3 wondering. But let's just get through a few more people if I  
4 can have your indulgence, please.

11:55AM 5 Prospective Juror No. 14, first of all, tell me  
6 how long have you worked as a warehouse assistant?

7 PROSPECTIVE JUROR NO. 14: In that company or  
8 just around?

9 THE COURTS: Let's start with the company first  
11:56AM 10 and then the broader question rather.

11 PROSPECTIVE JUROR NO. 14: With the company a  
12 year and three months.

13 THE COURT: And before that, what did you do?

14 PROSPECTIVE JUROR NO. 14: I worked for a company  
11:56AM 15 called Wheel Pros, and it was quality control over the rims.

16 THE COURT: And what did you specifically do with  
17 the QC or the quality control?

18 PROSPECTIVE JUROR NO. 14: I would have to  
19 inspect the rims to make sure they weren't damaged and the  
11:56AM 20 products were good to be shipped out to the clients.

21 THE COURT: Visual inspection?

22 PROSPECTIVE JUROR NO. 14: (Inaudible.)

23 THE COURT: Yes?

24 PROSPECTIVE JUROR NO. 14: Yes.

11:56AM 25 THE COURT: All right. And how long did you work

1 for Wheel Pros?

2 PROSPECTIVE JUROR NO. 14: Year and a half.

3 THE COURT: Before that, what did you do?

4 PROSPECTIVE JUROR NO. 14: I worked for another

11:56AM 5 company. It was called OPGI, Original Parts Group. And it had

6 to do with anything from the 1970 cars, anything from the

7 Chevrolet, Oldsmobile, Buick, everything from doors to the

8 hoods to the boats of the car.

9 THE COURT: Supply?

11:56AM 10 PROSPECTIVE JUROR NO. 14: Replacement items

11 specifically.

12 THE COURT: I see. And how long did you do that

13 for?

14 PROSPECTIVE JUROR NO. 14: Two years.

11:57AM 15 THE COURT: All right. Maybe you could just tell

16 me a little bit more about other jobs that you had prior to

17 that.

18 PROSPECTIVE JUROR NO. 14: I worked in a

19 restaurant, server/cook. That's it.

11:57AM 20 THE COURT: All right. And in the course of the

21 various jobs that you've had, have you had any dealings with

22 environmental issues, waste contamination, waste disposal, I

23 should say?

24 PROSPECTIVE JUROR NO. 14: In the restaurant it

11:57AM 25 was with the chemicals that we would clean. Everything from



1 the -- from the bathrooms to the actual tables of desanitizing.  
2 Even the soda machines.

3 THE COURT: Did you also have a procedure? You  
4 heard the other gentleman mention that there was a receptacle  
11:57AM 5 and certain types of wastes had to be disposed in that  
6 receptacle. Did you have a similar, or was it a different  
7 procedure?

8 PROSPECTIVE JUROR NO. 14: For me specifically,  
9 no. But the cook did have to do like a certain order for the  
11:58AM 10 grease.

11 THE COURT: Understood.

12 PROSPECTIVE JUROR NO. 14: For the deep fried  
13 food.

14 THE COURT: And when, approximately, did you  
11:58AM 15 serve on the criminal case?

16 PROSPECTIVE JUROR NO. 14: If I'm not mistaken,  
17 three years ago.

18 THE COURT: And you deliberated in that case?

19 PROSPECTIVE JUROR NO. 14: No.

11:58AM 20 THE COURT: You were an alternate?

21 PROSPECTIVE JUROR NO. 14: Yes.

22 THE COURT: How did you feel about being an  
23 alternate?

24 PROSPECTIVE JUROR NO. 14: I didn't really like  
11:58AM 25 it, but I couldn't do much.

1 THE COURT: A bit frustrating. You hear. You  
2 have ideas. You don't get to express your ideas. You don't  
3 get to decide. Was that the reason you didn't like it so much,  
4 or was there some other reason?

11:58AM

5 PROSPECTIVE JUROR NO. 14: Basically.

6 THE COURT: All right. So would you have liked  
7 to have been a deliberating juror in that case?

8 PROSPECTIVE JUROR NO. 14: I wouldn't have  
9 minded.

11:58AM

10 THE COURT: Okay. And how about serving on a  
11 civil case? Is that something that you think you could do  
12 deciding the case only on the facts and the law presented here?

13 PROSPECTIVE JUROR NO. 14: Yes.

11:58AM

14 THE COURT: And is there any reason that you  
15 think you would not be able to do that?

16 PROSPECTIVE JUROR NO. 14: No.

17 THE COURT: All right. Any changes to your  
18 questionnaire response?

19 PROSPECTIVE JUROR NO. 14: No.

11:59AM

20 THE COURT: All right. Thank you, sir.

21 Let's have No. 15, please. Good morning to you.

22 PROSPECTIVE JUROR NO. 15: Good morning.

23 THE COURT: If you would kindly remove your mask  
24 if you're comfortable doing so. Thank you.

11:59AM

25 What do you do as an inventory specialist?

1 PROSPECTIVE JUROR NO. 15: I receive and process  
2 gear throughout -- aeronautic gear specifically and process  
3 them in through the warehouse. If we get orders from a  
4 department, we get them out and delivered to the department.

11:59AM

5 THE COURT: All right. And so tell me a little  
6 more specifically what type of business you work for.

7 PROSPECTIVE JUROR NO. 15: Right now I'm in  
8 SpaceX.

9 THE COURT: All right.

11:59AM

10 PROSPECTIVE JUROR NO. 15: Four years I was --  
11 prior to that, it was in the U.S. Marine Corps at an air  
12 station, and I served four years, separated, and then SpaceX  
13 recently.

14 THE COURT: You say recently. How recent?

11:59AM

15 PROSPECTIVE JUROR NO. 15: It's been seven  
16 months.

17 THE COURT: All right. And before that you said  
18 you were in the military?

19 PROSPECTIVE JUROR NO. 15: Yes.

12:00PM

20 THE COURT: What branch of the military?

21 PROSPECTIVE JUROR NO. 15: Marine Corps.

22 THE COURT: Marines?

23 PROSPECTIVE JUROR NO. 15: Yes.

12:00PM

24 THE COURT: You alluded to it, but I want to make  
25 sure I get it. What did you do in the Marine Corps?

1 PROSPECTIVE JUROR NO. 15: Aviation supply  
2 specialist.

3 THE COURT: Tell me a little bit about what you  
4 did in that regard.

12:00PM 5 PROSPECTIVE JUROR NO. 15: I worked directly just  
6 managing the gear inside the warehouse. Any parts coming in  
7 and out, I managed that. Oversaw the system of how it got  
8 processed and delivered it every now and then as well.

9 THE COURT: So this seems kind of like a natural  
12:00PM 10 transition. Sounds like you're doing fairly similar work.

11 PROSPECTIVE JUROR NO. 15: Yes. Exactly.

12 THE COURT: Do you intend to stay within this  
13 field?

14 PROSPECTIVE JUROR NO. 15: I plan to, yes.

12:00PM 15 THE COURT: All right. Any type of dealings with  
16 environmental issues either in the military or at SpaceX?

17 PROSPECTIVE JUROR NO. 15: No.

18 THE COURT: All right. And is there any reason  
19 that you can think of why it would be difficult for you to  
12:01PM 20 serve as a juror in this case?

21 PROSPECTIVE JUROR NO. 15: I do not, no.

22 THE COURT: So you can be fair and impartial to  
23 both sides as I have described it?

24 PROSPECTIVE JUROR NO. 15: Yes.

12:01PM 25 THE COURT: And are there any changes to your

1 questionnaire? You have "no" to all of these questions.

2 PROSPECTIVE JUROR NO. 15: Just one that I'm also  
3 currently a student full time.

4 THE COURT: What are you studying?

12:01PM 5 PROSPECTIVE JUROR NO. 15: I'm studying supply  
6 chain management.

7 THE COURT: Again, to sort of supplement and  
8 further the career objectives that we have been talking about?

9 PROSPECTIVE JUROR NO. 15: Yes. Correct.

12:01PM 10 THE COURT: All right. And how far along are you  
11 in that?

12 PROSPECTIVE JUROR NO. 15: I'm currently a  
13 junior.

14 THE COURT: All right. Very well. Thank you so  
12:01PM 15 much.

16 PROSPECTIVE JUROR NO. 15: Thank you.

17 THE COURT: All right. Let's have No. 16,  
18 please.

19 Good morning, sir.

12:01PM 20 PROSPECTIVE JUROR NO. 16: Good morning.

21 THE COURT: I guess we just now veered into the  
22 afternoon, and you will be the last person, and we will go  
23 ahead and take a break.

24 PROSPECTIVE JUROR NO. 16: Okay.

12:01PM 25 THE COURT: So tell me what you do as a -- you're

1 the dean of a community college?

2 PROSPECTIVE JUROR NO. 16: Yeah. I may not look  
3 like it, but I studied at Harvard, NYU. I have my doctorate.  
4 I have been in higher education for the last 12 years.

12:02PM

5 THE COURT: When you say you're a dean at a  
6 community college, typically at least as I understand it, there  
7 are more than one dean.

8 PROSPECTIVE JUROR NO. 16: Yes.

12:02PM

9 THE COURT: What type of work do you do as a  
10 dean?

11 PROSPECTIVE JUROR NO. 16: A dean of counseling.  
12 So I oversee over 30 people. About 26 of those are counselors.  
13 And then I also have classified professionals.

12:02PM

14 THE COURT: How long have you been a dean at this  
15 community college?

16 PROSPECTIVE JUROR NO. 16: Two-and-a-half years  
17 now.

18 THE COURT: Before that, what did you do?

12:02PM

19 PROSPECTIVE JUROR NO. 16: Before that I was the  
20 associate dean at another California community college, and I  
21 was there for about two years.

22 THE COURT: Before that?

12:02PM

23 PROSPECTIVE JUROR NO. 16: I was back in Chicago.  
24 That's where I'm originally from. I was in higher education.  
25 The position before that I was a director.

1 THE COURT: Did you generally do the same type of  
2 work when -- in your prior job that you're currently doing?

3 PROSPECTIVE JUROR NO. 16: Yes.

4 THE COURT: And do you have any future  
12:03PM 5 aspirations beyond higher education?

6 PROSPECTIVE JUROR NO. 16: I mean, I also have --  
7 I own property back in Chicago. I have a business. So those  
8 are some different aspirations I have.

9 THE COURT: All right. And what type of business  
12:03PM 10 do you have? Is it real estate?

11 PROSPECTIVE JUROR NO. 16: Well, sort of. I  
12 mean, right now I own one property, and it's under an LLC, and  
13 I'm trying to open up or purchase additional property back in  
14 Chicago. But the business I do have is a small ATM business.

12:03PM 15 THE COURT: And more specifically what do you do  
16 for that business?

17 PROSPECTIVE JUROR NO. 16: Oh, I own ATM  
18 machines, and, you know, I replenish the ATM machines. And  
19 people, you know, take out the money, and I make money off that  
12:03PM 20 surcharge. So it's a small little business.

21 THE COURT: Understood. So do you rent out these  
22 machines essentially?

23 PROSPECTIVE JUROR NO. 16: No. I own them  
24 100 percent, and I have them in different locations.

12:03PM 25 THE COURT: I see. So you actually own the ATMs.

1 You're not renting them to someone, and the business doesn't  
2 earn money from the rentals but from the actual transactions  
3 themselves.

4 PROSPECTIVE JUROR NO. 16: That's correct.

12:04PM

5 THE COURT: How long have you been involved in  
6 that business?

7 PROSPECTIVE JUROR NO. 16: One year.

12:04PM

8 THE COURT: Is there anything about your  
9 background or experience that you think we should know about in  
10 deciding whether you could be fair and impartial in this case?

11 PROSPECTIVE JUROR NO. 16: No.

12 THE COURT: Do you think you can be fair and  
13 impartial?

14 PROSPECTIVE JUROR NO. 16: Yes.

12:04PM

15 THE COURT: And your spouse, just real briefly,  
16 what type of teacher is she?

17 PROSPECTIVE JUROR NO. 16: Special education.

18 THE COURT: And how long has your spouse done  
19 that type of work?

12:04PM

20 PROSPECTIVE JUROR NO. 16: Same. We have been  
21 together since college, so over 12 years.

22 THE COURT: All right. Thank you so much.  
23 Please be seated.

12:04PM

24 Ladies and gentlemen, we are going to take a  
25 break. It is now about 12:05. We're going to take just a



1 15-minute break. So we will break until 12:20. And then what  
2 you can expect is, if you're selected in this matter, that  
3 we're probably going to take another break. So we will take a  
4 little bit of a longer break for lunch.

12:05PM

5 But at this point we have come to the point in  
6 the process where each of the lawyers has a limited number of  
7 what are called peremptory strikes where they can ask me to  
8 thank and excuse you without giving a reason or an explanation  
9 for doing so. When they do that, please don't hold it against  
10 them or think too much into what they're doing. They're simply  
11 discharging their professional responsibility. But you will  
12 see that process shortly in 15 minutes.

12:05PM

13 Please do not speak about the case, the people,  
14 or the subject matter involved. Continue to keep an open mind.  
15 You've heard no evidence in the case at all.

12:05PM

16 It is 12:05. 12:20 just outside the courtroom  
17 doors, please. Thank you.

18 (The following proceedings were held in  
19 open court outside the presence of the jury:)

12:06PM

20 THE COURT: We remain on the record. We're  
21 outside the presence of the jury panel.

22 At this point I'm simply going to see whether  
23 anyone has any for cause challenges. So starting with you  
24 Mr. Richard, pass for cause?

12:07PM

25 MR. RICHARD: Pass for cause, yes.

1 THE COURT: All right. Pass for cause, Mr. Blum?

2 MR. BLUM: Yes, Your Honor.

3 THE COURT: Very well. I am only -- I am going  
4 to stick with the default. You will have three peremptories

12:07PM

5 each. I actually thought this panel was nothing of concern  
6 whatsoever. Actually very pleasantly surprised to see.

7 Everyone seemed very forthright as best I can tell, willing to  
8 serve, and that doesn't always happen as everyone knows,  
9 particularly when a case is of this nature and of this length.

12:07PM

10 So three each side. We will have a jury selected when they  
11 come back.

12 Please return when I indicated at 12:20. Thank  
13 you.

14 (A recess was taken at 12:07 p.m.)

12:07PM

15 (The following proceedings were held in  
16 open court in the presence of the jury:)

17 THE COURT: We are back on the record in  
18 Santa Clarita Valley Water Agency versus Whittaker Corporation  
19 with all present who were present before the break except we  
20 have an addition, I understand.

12:25PM

21 Mr. Richard, did you want to introduce the new  
22 member or new person at your table, please?

23 MR. RICHARD: Yes. Thank you, Your Honor. This  
24 is Matt Stone, the general manager of Santa Clarita Valley  
25 Water Agency.

12:25PM

1 THE COURT: All right. Mr. Stone, if you can  
2 just stand, please, and take your mask down so people can see  
3 you. And I will ask the question again.

4 Thank you. You can be seated.

12:25PM

5 I introduced Mr. Stone by name only. Is there  
6 anyone who happens to know Mr. Stone? If so, let me know by  
7 raising your hand.

8 I see no hands raised.

12:25PM

9 At this point in time, ladies and gentlemen, as I  
10 mentioned before the break, the lawyers will have a limited  
11 number of peremptory strikes that they can exercise asking me  
12 to thank and excuse a number of you without providing an  
13 explanation. I just remind you they're doing their job. Don't  
14 hold it against them. To the extent you had hoped to be on the  
15 case and you're not on the case or you hoped someone else might  
16 be on the case that is no longer on the case, please don't hold  
17 it against them.

12:26PM

18 So we will start with the plaintiff. We will  
19 have what I'm going to refer to as a virtual jury. Typically  
20 what happens is we actually have people seated in the box.  
21 They're all seated in the box. And then when someone leaves  
22 the box, we have someone else take that space or place. We're  
23 not going to do that so we don't have people moving around in  
24 light of the pandemic. So the -- you will hear me referring to  
25 the virtual jury box or the virtual box, and the virtual box is

12:26PM

12:26PM

1 1 through 9.

2 Mr. Richard.

3 MR. RICHARD: Thank you, Your Honor. Plaintiff  
4 will pass.

12:27PM 5 THE COURT: Mr. Blum?

6 MR. BLUM: Your Honor, the Whittaker Corporation  
7 would thank and excuse Juror No. 6 and wish him good luck with  
8 his kids.

9 THE COURT: Prospective Juror No. 6, so you are  
12:27PM 10 free to go downstairs to the jury assembly room. They will  
11 tell you what your next assignment, if any, is. Thank you,  
12 sir. Appreciate your being here today. Thank you.

13 And with that, the jury now or the virtual  
14 extends up through 10.

12:27PM 15 MR. RICHARD: Yes, Your Honor. May I -- I didn't  
16 hear the request. May I go?

17 THE COURT: Yes.

18 MR. RICHARD: Thank you. Plaintiff would thank  
19 and excuse Juror No. 4.

12:27PM 20 THE COURT: Yes. Prospective Juror No. 4, you  
21 are free to return to the jury assembly room with my thanks and  
22 appreciation.

23 Thank you.

24 Now the virtual jury extends through Prospective  
12:27PM 25 Juror No. 11, and the peremptory belongs to Whittaker.

1 MR. BLUM: Thank you, Your Honor. Whittaker  
2 would thank and excuse Juror No. 8.

3 THE COURT: Yes. Prospective Juror No. 8, you  
4 are free to return to the jury assembly room, sir. Thank you  
5 very much for your participation in this process.

6 And the box will now extend through Prospective  
7 Juror No. 12, and the peremptory belongs with the plaintiff.

8 MR. RICHARD: Plaintiff would thank and excuse  
9 Juror No. 3, Your Honor.

10 THE COURT: Prospective Juror No. 3, thank you so  
11 much for your participation here this morning and into the  
12 afternoon.

13 Now the virtual box extends through No. 13. And  
14 we have -- Whittaker, it's your turn.

15 MR. BLUM: Thank you, Your Honor. Whittaker  
16 would thank and excuse Juror No. 9.

17 THE COURT: Prospective Juror No. 9, you are free  
18 to return downstairs. I thank you for coming here today.  
19 Thank you so much.

20 And No. 14 is the last person in the virtual jury  
21 box and the last peremptory strike available to any party.

22 MR. RICHARD: We would like to thank and excuse  
23 Juror No. 13, Your Honor.

24 THE COURT: Juror No. 13, you are free to return  
25 to the jury assembly room.

1           That means that we should have those seated in  
2       seats 1 through 15, if you could please stand. So for those of  
3       you who are Nos. 1 through 15, if you would please stand. If  
4       you can just move to the side, sir, so I can make sure that I  
12:29PM 5       see you. No. Through 15 I think I said. So do we have No. 15  
6       up? Let's see here. I just want to make sure I have the  
7       correct count. I do.

8           This is now the jury that has been selected for  
9       this case. So what I'm going to have you do is those of you  
12:30PM 10      who are standing, remain standing for a moment. Those of you  
11      who are seated, you have now completed your jury service in  
12      this case. You are to go downstairs. There may be another  
13      assignment. I don't know. They will tell you downstairs. But  
14      I thank you for your participation in this process. Enjoy the  
12:30PM 15      rest of the day and have a very nice holiday, everyone. Thank  
16      you.

17           For those of you who are standing, if you would  
18      just kindly be patient and remain standing.

19           Rather than move all of you into the box, what  
12:31PM 20      I'm going to do is I'm going to have you sworn in where you're  
21      standing. And let me just explain what I'm doing here.

22           So you were previously sworn as prospective  
23      jurors, as I explained. So now you all nine have been selected  
24      in this case as actual deliberating jurors in this case. So  
12:31PM 25      you will now take a separate oath as a juror. I would ask you

1 to listen, please, to the oath itself, and Mr. Cruz will  
2 administer that in just a moment.

3 THE CLERK: Ladies and gentlemen of the jury,  
4 would you all please raise your right hands to be sworn.

12:31PM

5 Ladies and gentlemen, do you and each of you  
6 solemnly swear and/or affirm that you will well and truly try  
7 the cause now before this court and a true verdict therein  
8 render according the evidence and instructions of the Court, so  
9 help you God?

12:31PM

10 (Jury responds in the affirmative.)

11 THE CLERK: Please be seated.

12 THE COURT: You may be seated although this will  
13 be fairly brief.

12:32PM

14 As I mentioned, we are going to take a lunch  
15 break. When you return, you're going to return not to this  
16 courtroom. So we're on the mezzanine level. You need to take  
17 the elevator and go to the sixth floor. Sixth floor. It's 6C,  
18 C as in Charlie. And you will come into that courtroom.

12:32PM

19 Mr. Cruz will give you further directions. So you can stay  
20 behind, and he will give you further directions in that regard.  
21 But just remember you will no longer be in this particular  
22 courtroom. You will be going to my regular courtroom when you  
23 return. I am going to have you return in an hour. So it's now  
24 12:32. I'm going to have you come back at 1:30. So it will be  
25 just a little shy of an hour so you can get something to eat.

12:32PM

1 Just a word of caution is that the cafeteria  
2 downstairs at times can be a bit slow. So just be mindful of  
3 that. You may want to find out how long it might take because,  
4 in my experience, at times it's taken a really long time, and  
12:33PM 5 there's been a lot of people here. I'm not trying to  
6 discourage you. You need to eat. Just be mindful of that so  
7 you can perhaps order something that will get you back here at  
8 1:30.

9 So with that, we are going to be in recess. I  
12:33PM 10 remind you you're not to speak to anyone about the case, the  
11 people, or the subject matter involved. Keep an open mind.

12 The first thing that's going to happen when you  
13 return from the lunch break is I'm going to provide you with  
14 preliminary instructions. Then after I do that, you're going  
12:33PM 15 to hear from each side which will be provided an opportunity to  
16 present an opening statement. And in their opening statements,  
17 they're going to give you a lot more information so you will  
18 have a much better sense about this case in which you're  
19 presiding over.

12:33PM 20 So thank you all so much. I will see you at  
21 1:30.

22 We are in recess until then.

23 (The following proceedings were held in  
24 open court outside the presence of the jury:)

12:34PM 25 THE COURT: Please be seated. We're outside the



1 presence of the jury. We will start at 1:30 with opening  
2 statements as discussed.

3 And I just want to confirm that you anticipate,  
4 Mr. Richard, that you will need approximately I think you said  
12:34PM 5 an hour and 20 if I remember correctly?

6 MR. RICHARD: I did. It could be closer to an  
7 hour and 30, but definitely not more than an hour and a half.

8 THE COURT: And you anticipate an hour and 15?

9 MR. BLUM: Yes, Your Honor. But, again, we  
12:35PM 10 will -- I know you said an hour and a half. We will definitely  
11 not go over that.

12 THE COURT: It appears that, if we get into  
13 witnesses, it's not going to be for a very long period of time.  
14 Let me see how far we get. I don't take that as incentive to  
12:35PM 15 try to reach one, thirty each side, but let's see where we get,  
16 and I will let you know. If we only have a few minutes  
17 remaining, I will probably not have you start with your first  
18 witness.

19 We are in recess until then. Thank you.

12:35PM 20 MR. RICHARD: Quick question. Maybe it's to --  
21 will we have just a couple minutes -- this can be off the  
22 record.

23 THE COURT: Yes. Off the record.

24 (A lunch recess was taken until  
25 1:30 p.m. of the same day.)

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CERTIFICATE OF OFFICIAL REPORTER

I, MIRANDA ALGORRI, FEDERAL OFFICIAL REALTIME COURT REPORTER, IN AND FOR THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA, DO HEREBY CERTIFY THAT PURSUANT TO SECTION 753, TITLE 28, UNITED STATES CODE THAT THE FOREGOING IS A TRUE AND CORRECT TRANSCRIPT OF THE STENOGRAPHICALLY REPORTED PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER AND THAT THE TRANSCRIPT PAGE FORMAT IS IN CONFORMANCE WITH THE REGULATIONS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES.

DATED THIS 18TH DAY OF NOVEMBER, 2021.

/S/ MIRANDA ALGORRI

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MIRANDA ALGORRI, CSR NO. 12743, CRR  
FEDERAL OFFICIAL COURT REPORTER

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